

# CERTIFICATION

I, Rachael Seguin, being employed by the New York State Department of Corrections and Community Supervision (DOCCS) in the position of Assistant Director, Inmate Grievance Program, have reviewed the attached documents and hereby state and certify pursuant to New York CPLR 2307, 4518(c) and 4540, and FRE Rule 902, that they are the complete, true and exact copy of the grievance appeal packets CX-18961-16, CX-18983-16, CX-19053-16, CX-19054-16, CX-19094-16 and CX-19095-16 for inmate Taheen Hayes, #05-A-3850. The attached records are maintained in the regular course of business of DOCCS and, with regard to the attached records that were created by employees of DOCCS, I certify that those records were made in the regular course of business of DOCCS; that it was in the regular course of business of DOCCS to make them at the time of the condition, act, transaction, occurrence or event documented in such records, or within a reasonable time thereafter; and that the employees who created the records had a duty to truthfully record such condition, act, transaction, occurrence or event.

However, as to records which were not created specifically by employees of the DOCCS, and which were received from other agencies, departments, businesses or individuals, I certify only that the record is a true and accurate copy of the record contained or maintained in the grievance appeal packets CX-18961-16, CX-18983-16, CX-19053-16, CX-19054-16, CX-19094-16 and CX-19095-16 for inmate Taheen Hayes, #05-A-3850.

Witness my hand and seal on this 10<sup>th</sup> day of May, 2018.


*Rachael Seguin*

Rachael Seguin

Sworn to before me this  
10<sup>th</sup> day of May 2018.

*Theresa Boulanger*  
Notary Public

[apply seal]  
**THERESA BOULANGER**  
Notary Public, State of New York  
Registration #01BO6289895  
Qualified in Orange County  
Commission Expires Oct 7, 2021

 <p><b>Corrections and Community Supervision</b></p> <p>ANDREW M. CUOMO      ANTHONY J. ANNUCCI Governor                  Acting Commissioner</p>	Grievance Number <b>CX-18983-16</b>	Design/Code <b>I/49</b>	Date Filed <b>6/17/16</b>
	Associated Cases		Hearing Date <b>2/22/17</b>
	Facility <b>Coxsackie Correctional Facility</b>		
<b>INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE</b>	Title of Grievance <b>Retaliation/False Misbehavior Report</b>		

### **GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART**

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that this matter has been properly investigated by the facility administration, and that CO H... denies falsifying the grievant's 5/16/16 Tier II MBR. It is noted that the MBR has since been expunged. Further, the grievant's sexual harassment allegations were documented in accordance with the Department's PREA guidelines. CORC finds insufficient evidence of retaliation or malfeasance by staff.

Directive #4040, § 701.6 (b) states, in part, that no reprisals of any kind shall be taken against an inmate or employee for good faith utilization of this grievance procedure, and an inmate may pursue a complaint that a reprisal occurred through the grievance mechanism. Further, safety matters should be addressed to an area supervisor at that time for any remedial action warranted.

CORC notes that the grievant has since been transferred.

CMV/

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**STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
COXSACKIE CORRECTIONAL FACILITY  
INMATE GRIEVANCE RESOLUTION PROGRAM**

**CASE AND RECORD COVERSHEET**

**GRIEVANCE NO:** CX-18983-16

**GRIEVANT NAME:** Hayes, T.

**DIN NO.:** 05-A-3850

**CONSOLIDATED:** N/A

**TITLE OF GRIEVANCE:** Retaliation <sup>False MBR</sup> ~~Allegation~~

**GRIEVANCE CODE:** 49

**INSTITUTIONAL /DEPARTMENTAL:** Institutional

**DATE FILED:** 06-17-2016

**I.G.R.C. DATE:** Pass through to superintendent.

**SUPERINTENDENT DATE:** Pass through to C.O.R.C. per grievant request.

**APPEAL DATE:** 08-11-2016

**I.G.R.C. INVESTIGATION DATE:** N/A

**FACILITY POLICY:** N/A

**CAPTAIN DATE:** N/A

**SUPERVISOR DATE:** N/A

**EMPLOYEE DATE:** N/A

**PRIOR C.O.R.C.:** N/A

**OTHER:** N/A

**I.G.P.S SUPERVISORS SIGNATURE:**

*Superintendent (GPS)*

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

AUG 31 2016

RECEIVED  
INMATE GRIEVANCE

**DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
COXSACKIE CORRECTIONAL FACILITY  
INMATE GRIEVANCE RESOLUTION PROGRAM**

**CASE HISTORY AND RECORD**

**GRIEVANCE NO:** CX-18983-16

**GRIEVANT NAME:** Hayes, T.

**DIN NO.:** 05-A-3850

**CONSOLIDATED:** N/A

**TITLE OF GRIEVANCE:** Retaliation Allegation

**GRIEVANCE CODE:** 49

**DATE FILED:** 06-17-2016

**DESCRIPTION OF PROBLEM:** The grievant alleges a false M.B.R. for retaliation to a grievance filed on a correction officer.

**ACTION REQUESTED:** To be made aware of disciplinary status of an M.B.R. that grievant states he did not have a hearing for. Grievant requests to be protected from further harassment, threats, and retaliation from correction officers. Further requested an investigation into all grievants written reports to the superintendent and deputy superintendent of security concerning his safety.

**IGRC RESPONSE:** Pass through to superintendent.

**SUPERINTENDENT RESPONSE:** Pass through to C.O.R.C. per grievant request.

**APPEAL STATEMENT:** The grievant requests to appeal to C.O.R.C. because of the superintendent's failure of to respond to Grievance CX-18983-16.



FROM: TAHEEN HAJES  
 DIN: OSA3850  
 CELL: S.H. 4

CX-18983-16

Retaliation Allegation

49

DATE: MAY-26-2016

DESCRIPTION OF PROBLEM: ON MAY-16-2016 I WAS SERVED WITH A MISBEHAVIOR REPORT, IIR II (2) WITH 5 CHARGES FROM CORRECTIONAL OFFICER K. HOFFMAN, WHILE LOCATED ON DIVISION A-3-31 CELL. THIS C.O. K. HOFFMAN WROTE A FALSE TICKET WITH FALSE CHARGES WHICH I WAS KEPT LOCK FOR, HOWEVER I DID NOT RECEIVE A HEARING FOR NOR EVEN UP UNTIL NOW MADE AWARE WHAT'S GOING ON WITH THE HEARING. THE FALSE CHARGES & HANDING OF C.O. K. HOFFMAN MISBEHAVIOR REPORT CLEARLY SHOWS THAT IT WAS WRITTEN IN RETALIATION FOR ME WRITING A GRIEVANCE ON ANOTHER OFFICER AND REPORTING A SEXUAL ASSAULT THAT T.I.E.A. AND O.S.I. ARE CURRENTLY INVESTIGATING. I HAVE MADE SEVERAL ATTEMPTS TO AVOID THIS OF THE CONTINUOUS HARASSMENT, THREATS AND OTHER FORMS OF RETALIATION AGAINST ME BY WRITING THE SUPERINTENDANT, D.S.S, OMH, SOCC TO MAKE AWARE OF MY SITUATION AND NONE RESPONDED AND FAILED TO PROTECT ME.

ACTIONS REQUESTED: TO BE MADE AWARE OF MY DESPERATE SITUATION FROM C.O. K. HOFFMAN MISBEHAVIOR REPORT THAT I NEVER WENT TO A HEARING FOR TO BE PROTECTED FROM FURTHER HARASSMENT, THREATS AND RETALIATION FROM C.O. I. DANKE, C.O. K. HOFFMAN AND ALL OTHER COUSACKS CORRECTIONAL ->  
 CONTINUE PAGE 2 ->

CONTINUATION OF ACTIONS REQUESTED: OFFICERS. FURTHER REQUEST  
IN INVESTIGATION INTO ALL MY WRITTEN REPORTS TO  
SUPERINTENDANT AND D.S.S. MAKING THEM AWARE CONTINUOUSLY  
OF MY SAFETY, 8TH, 4TH AND 14TH CONSTITUTIONAL RIGHTS  
BEING VIOLATED.

Julius Hays OSA 2850  
GRIEVANT'S NAME

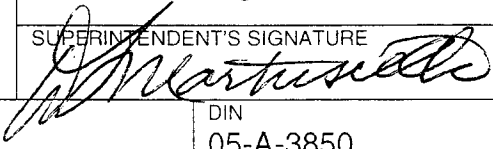
DATE MAY-26-2016

Pr Pr  
GRIEVANCE CHECK

6/17/16  
DATE

C.C. FILE SUPERINTENDANT  
OFFICE OF SPECIAL INVESTIGATION  
PHYLLIS HARRISON-ROSS M.D. COMMISSIONER  
PRISONER LEGAL SERVICE - JAMES LOGAN

~~CONFIDENTIAL~~

<b>INMATE GRIEVANCE PROGRAM</b>  <b>Daniel F. Martuscello Jr.</b> <b>SUPERINTENDENT</b>	GRIEVANCE NO. CX-18993-16		DATE FILED 06/17/16
	FACILITY Coxsackie Correctional Facility		POLICY DESIGNATION Institution
	TITLE OF GRIEVANCE Retaliation allegation		CLASS CODE 49
	SUPERINTENDENT'S SIGNATURE 		DATE 8-26-16
GRIEVANT HAYES, T	DIN 05-A-3850	HOUSING UNIT SHU	

The Grievant alleges that he was issued a misbehavior report by Security staff containing false allegations because of a previously submitted grievance and reporting a sexual assault.

Based on the investigation, I find this grievance to be unsubstantiated. The Grievant provided no witnesses or evidence to support the allegations. Facility Security staff has gone on the record denying all allegations within this grievance. I find no evidence of malfeasance by staff.

This grievance is denied.

#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.\* Please state why you are appealing this decision to C.O.R.C.

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_____	_____
GRIEVANT'S SIGNATURE	DATE
_____	_____
GRIEVANCE CLERK'S SIGNATURE	DATE

\*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)  
Form 2133 (02/15)

10. INMATE GRIEVANCE PROGRAM

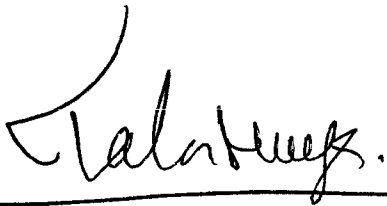
FROM: TAMEEN HAYES # 85A3850  
Cell: SHU. 30

DATE: Aug. 14. 2016

GRIEVANCE # CX-18983-16

DESCRIPTION OF PROBLEM: I WISH TO FILE A NOTICE OF  
DECISION APPEAL, TO THE CORC BECAUSE OF THE  
SUPERINTENDANT FAILURE TO RESPOND TO MY GRIEVANCE  
# CX-18983-16 DATE FILED JUNE-17-2016.

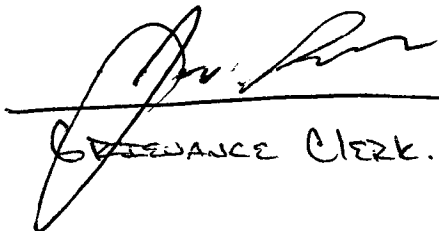
ACTION REQUESTED: TO APPEAL TO CORC.



GRIEVANCE SIGN

Aug. 14. 2016

DATE



GRIEVANCE CLERK.

8/16/16

DATE



Corrections and  
Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUNCI  
Acting Commissioner

TO: D. Martin, Captain  
FROM: R. Hotaling, Sergeant  
DATE: 12 July 2016  
SUBJECT: Hayes 05A3850

Sir,

On this date at approximately 9:00AM, I (Sgt. Hotaling) began an investigation into a complaint submitted by inmate Hayes 05A3850 which states that he was written a misbehavior report by Officer Hoffman that contained false charges and statements. Hayes further states that he never received said misbehavior report or a hearing for it. Inmate Hayes is seeking an end from any and all alleged harassment by staff, retaliation and threats made.

During my interview of inmate Hayes, I asked him if he had anything to add to his original complaint and if he has any witnesses to support it. He replied, "No." I then asked Hayes if he has any evidence to supply me with to support his complaint. Hayes replied, "No." I then asked Hayes if he feels the need for protective custody and he replied, "No."

On 07/11/16, I interviewed Officer Hoffman regarding this complaint. Officer Hoffman verbally and in writing denies any and all allegations written by inmate Hayes. (See attached.)

As for inmate Hayes requesting Officer Dahlke stop harassing him, there is no mention of Officer Dahlke in the bod of his complaint. However, I did speak with Officer Dahlke who verbally and in writing (See attached.) denies ever harassing inmate Hayes in any way, shape or form.

Based on my investigation of this matter, I can find no evidence to support inmate Hayes's accusations, nor are there any witnesses. I can only determine that inmate Hayes received a misbehavior report by his own admission and is using the complaint/grievance procedure to retaliate against Officer's Hoffman and Dahlke. As for inmate Hayes's request to be protected from staff, again he is trumping up a story to be used against staff due to him receiving a misbehavior report which resulted in him being keep-locked.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "R. Hotaling", written over a circular stamp or seal.

R. Hotaling, Sergeant

NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES  
AND COMMUNITY SUPERVISION  
COXSACKIE CORRECTIONAL FACILITY

DANIEL F. MARTUSCELLO, JR.  
SUPERINTENDENT

MEMORANDUM

TO: Captain Martin

FROM: C.O. K. Hoffman

DATE: 7-11-16

SUBJECT:

On the above date I C.O. K. Hoffman  
did write a misbehavior report on inmate Hayes  
# 05A3850. The misbehavior report was written based on  
the behavior of inmate Hayes on the above date.  
I at no time made any false charges on my report.

C.O. K. Hoffman

C.O. K. Hoffman

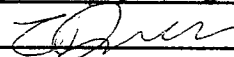
NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES  
AND COMMUNITY SUPERVISION  
COXSACKIE CORRECTIONAL FACILITY

DANIEL F. MARTUSCELLO, JR.  
SUPERINTENDENT

MEMORANDUM

TO: Sgt. Hotaling  
FROM: CO T. Dehke  
DATE: 8/8/16  
SUBJECT: Hayes OSA3850

Sir,  
In response to a grievance written by inmate Hayes on 5/26/16, I CO. T. Dehke have never at any time harassed inmate Hayes, nor have I ever threatened him.

Respectfully Submitted,  
CO T. Dehke  





## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

### MEMORANDUM

TO: Hayes, T. – 05A3850 – SH-UU-30S

FROM: D. Martin, Captain 

DATE: August 10, 2016

SUBJECT: Complaint regarding verbal abuse from officers

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Our investigation of the above complaint has been completed by a security supervisor.

Due to the reason stated in the attached investigative memorandum I find that there is not enough supporting evidence for this complaint. Therefor this complaint is to be dismissed.

DM/jl  
cc: File



**Vanbergen, Chris M (DOCCS)**

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**From:** Surprenant, Tisha L (DOCCS)  
**Sent:** Thursday, February 16, 2017 9:29 AM  
**To:** Vanbergen, Chris M (DOCCS)  
**Subject:** FW: CX-18993-16 (Hayes, Taheen 05A3850) - Due 2/22/17

As requested. Please see below.

**From:** Braccini, Albert M (DOCCS)  
**Sent:** Thursday, February 16, 2017 9:28 AM  
**To:** Surprenant, Tisha L (DOCCS) <Tisha.Surprenant@doccs.ny.gov>  
**Subject:** RE: CX-18993-16 (Hayes, Taheen 05A3850) - Due 2/22/17

According to the tier office records, the ticket was expunged and reasons for such are not recorded. It just was.

**From:** Surprenant, Tisha L (DOCCS)  
**Sent:** Thursday, February 16, 2017 9:25 AM  
**To:** Braccini, Albert M (DOCCS) <Albert.Braccini@doccs.ny.gov>  
**Subject:** RE: CX-18993-16 (Hayes, Taheen 05A3850) - Due 2/22/17

Thanks!

**From:** Braccini, Albert M (DOCCS)  
**Sent:** Thursday, February 16, 2017 9:17 AM  
**To:** Surprenant, Tisha L (DOCCS) <Tisha.Surprenant@doccs.ny.gov>  
**Subject:** RE: CX-18993-16 (Hayes, Taheen 05A3850) - Due 2/22/17

Reach out to Lt. Kneeland, he is the Discipline Lieutenant or to CO Stevenson ext. 5605 who pretty much runs the show down here and knows everything.

**From:** Surprenant, Tisha L (DOCCS)  
**Sent:** Thursday, February 16, 2017 9:16 AM  
**To:** Braccini, Albert M (DOCCS) <Albert.Braccini@doccs.ny.gov>  
**Subject:** RE: CX-18993-16 (Hayes, Taheen 05A3850) - Due 2/22/17

Oh ok, thanks for your assistance. Who should I contact for this info for future reference?

**From:** Braccini, Albert M (DOCCS)  
**Sent:** Thursday, February 16, 2017 9:16 AM  
**To:** Surprenant, Tisha L (DOCCS) <Tisha.Surprenant@doccs.ny.gov>  
**Subject:** RE: CX-18993-16 (Hayes, Taheen 05A3850) - Due 2/22/17

I do not handle tier 2 but I have our best people looking into it.

**From:** Surprenant, Tisha L (DOCCS)  
**Sent:** Thursday, February 16, 2017 7:08 AM  
**To:** Braccini, Albert M (DOCCS) <Albert.Braccini@doccs.ny.gov>  
**Subject:** FW: CX-18993-16 (Hayes, Taheen 05A3850) - Due 2/22/17

Good afternoon,

Would you be able to assist with the below listed request received from Central Office?

Thanks

**Tisha Surprenant**

Inmate Grievance Program Supervisor

**Department of Corrections and Community Supervision**

**Coxsackie Correctional Facility**

11260 State Route 9W, P.O. Box 200, Coxsackie, NY 12051

(518) 731-2781 Ext. 4700 | [Tisha.Surprenant@doccs.ny.gov](mailto:Tisha.Surprenant@doccs.ny.gov)

**From:** Vanbergen, Chris M (DOCCS)

**Sent:** Wednesday, February 15, 2017 3:25 PM

**To:** Surprenant, Tisha L (DOCCS) <[Tisha.Surprenant@doccs.ny.gov](mailto:Tisha.Surprenant@doccs.ny.gov)>

**Subject:** CX-18993-16 (Hayes, Taheen 05A3850) - Due 2/22/17

Good afternoon Tisha,

Do we know what happened to the 5/16/16 Tier II MBR authored by CO Hoffman? CO Hoffman states it was written based on Hayes' behavior, but it is not in the system. Some facilities keep a log, so hopefully you can tell me if it was dismissed/expunged and the reason.

This case is scheduled to be heard by CORC on 2/22/17.

This is due back by **2/22/17**.

Thank you,

**Chris VanBergen**

Acting Inmate Grievance Program Coordinator

Wende HUB

**Department of Corrections and Community Supervision**

Central Office, 845 Central Avenue, Albany, NY 12206-1514

(518) 457-4467 (T) | (518) 457-1891 (F) | [Chris.VanBergen@doccs.ny.gov](mailto:Chris.VanBergen@doccs.ny.gov)

[www.doccs.ny.gov](http://www.doccs.ny.gov)



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

TO: HAYES, T 05A3850 SHU-30

FROM: IGP Supervisor 

DATE: August 15, 2016

SUBJECT: Correspondence

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This is to acknowledge receipt of your most recent correspondence in regards to CX-18983-16, in which you are requesting to appeal directly to CORC.

In regards to the second portion of your request, you will be seen within the next week to address your Inmate Grievance concerns.

Ms. T. Surprenant, I.G.P. Supervisor

FROM: MR. AHMED HAJES # 05A3850  
Cell: S.H.U 30

DATE: AUG. 11. 2016

GREETINGS MS. SURPRENANT,

I AM RESPECTFULLY WRITING TO INQUIRE ABOUT YOUR  
NEXT VISIT TO THE S.H.U. I HAVE A FEW CONCERNS  
AND QUESTIONS I WOULD LIKE TO ASK. CAN YOU PLEASE  
MAKE A ROUND IN THE SPECIAL HOUSING UNIT.

ADDITIONALLY I WOULD LIKE TO  
~~ASK FOR A~~ APPEAL

FROM MY GRIEVANCE (CX-18983-16 RETALIATION ALLEGATION)  
STRAIGHT TO C.O.R.C. SINCE THE SUPERINTENDENT  
REFUSE TO RESPOND TO MY GRIEVANCE IN A  
TIMELY FASHION. HOW DO I DO SO?

THANK YOU HOPE TO HEAR  
FROM YOU SOON...

RESPECTFULLY  
Ahmed Hajes

701.6 (g)

02/13/17 \*\*\* FPMS INMATE OVERVIEW \*\*\* KINQM15  
DIN 05A3850 NAME HAYES, TANNER NYSID [REDACTED]  
FBI [REDACTED] SEX MALE DOB [REDACTED] 1986 ETHNIC NOT HISPANIC RACE BLACK  
STATUS IN CUSTODY NEW COMMIT ORIG DATE RECV 07/29/2005 CMC NO  
CURR FAC CLINTON GEN CELL 0C-04-02B OWN FAC CLINTON GEN DIS#  
REL DIS  
T/O STATUS NONE CUSTODIAL  
CRIMES TOTAL CRIMES 0001 COMMIT COUNTY  
MANSLAUGHTER 1ST B KINGS

AGGREGATE TERM 0000 00 00 TO 0025 00 00 EARLIEST RELEASE DATE 10/07/2024  
PH DATE/TYPE TENT RLSE PE DATE TAC DATE/TYPE COND REL MAX EXP DT PRS ME DT  
08/2024 CRC 06/2024 INIT 10/07/2024 05/05/2028  
WARRANT: FELONY WAR ( N ) MISDEMEANOR WAR ( N ) ICE ( N ) PENDING CHARGES ( N )  
SENTENCE OTHER AGENCY ( N ) DEF SENT ( N ) EXP DATE ( )  
MOST SERIOUS PRI NONE  
DATE TYPE OF SENT TERM -  
SECURITY CLASS MAX A DATE 11/14/16 OTH SEC CHARS YES EXTENDED CLASS RSNS NO  
UNUSUAL INCID YES MOST CURR 09/06/13 TOTAL INCD 005 MED PROB YES  
PD PGM TAILOR GARMENT 4  
REC LOC

NEXT DIN:

[HTTP://PHOTOS/I.ASPX?D=05A3850](http://PHOTOS/I.ASPX?D=05A3850)

&lt;ENTER&gt; CONTINUE &lt;PF3&gt; EXIT(FUNC) &lt;PF4&gt; RETURN

&lt;CLEAR&gt; EXIT(SYS)

**Vanbergen, Chris M (DOCCS)**

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**From:** Vanbergen, Chris M (DOCCS)  
**Sent:** Wednesday, February 15, 2017 3:25 PM  
**To:** Surprenant, Tisha L (DOCCS)  
**Subject:** CX-18993-16 (Hayes, Taheen 05A3850) - Due 2/22/17

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>
	Surprenant, Tisha L (DOCCS)	Delivered: 2/15/2017 3:25 PM

Good afternoon Tisha,

Do we know what happened to the 5/16/16 Tier II MBR authored by CO Hoffman? CO Hoffman states it was written based on Hayes' behavior, but it is not in the system. Some facilities keep a log, so hopefully you can tell me if it was dismissed/expunged and the reason.

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This is due back by 2/22/17.

Thank you,

**Chris VanBergen**


Acting Inmate Grievance Program Coordinator  
Wende HUB

**Department of Corrections and Community Supervision**

Central Office, 845 Central Avenue, Albany, NY 12206-1514

(518) 457-4467 (T) | (518) 457-1891 (F) | [Chris.VanBergen@doccs.ny.gov](mailto:Chris.VanBergen@doccs.ny.gov)

[www.doccs.ny.gov](http://www.doccs.ny.gov)

 <b>Corrections and Community Supervision</b>  ANDREW M. CUOMO      ANTHONY J. ANNUCCI Governor                  Acting Commissioner	Grievance Number <b>CX-19053-16</b>	Desig./Code <b>I/44</b>	Date Filed <b>7/25/16</b>
	Associated Cases		Hearing Date <b>4/12/17</b>
	Facility <b>Coxsackie Correctional Facility</b>		
<b>INMATE GRIEVANCE PROGRAM</b> <b>CENTRAL OFFICE REVIEW COMMITTEE</b>		Title of Grievance <b>IGRC Complaint/Verbal Statements</b>	

### **GRIEVANT'S REQUEST UNANIMOUSLY DENIED**

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied. CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that this matter has been investigated by the facility administration, and that ORC I... denies being unprofessional towards the grievant during an IGRC hearing on 7/12/16 or telling him he could not file grievances.

CORC notes that Directive #4040, § 701.1, states, in part, that the grievance program is not intended to support an adversary process. In addition, CORC upholds the discretion of the IGRC to determine the relevance and materiality of the evidence offered.

With respect to the grievant's appeal, CORC has not been presented with sufficient evidence of malfeasance by staff and notes that he has since been transferred.

MPS/

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STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
COXSACKIE CORRECTIONAL FACILITY  
INMATE GRIEVANCE RESOLUTION PROGRAM

NYS DEPT OF  
CORRECTIONS AND  
COMMUNITY SUPERVISION

CASE AND RECORD COVERSHEET

GRIEVANCE NO.: CX-19053-16

RECEIVED  
INMATE GRIEVANCE

NAME: Hayes, T.

DIN NO.: 05-A-3850

CONSOLIDATED: N/A

TITLE OF GRIEVANCE: IGRC Complaint/~~alleges~~ verbal statements

GRIEVANCE CODE: 44

INSTITUTIONAL/DEPARTMENTAL: Institutional

DATE FILED: 07/25/2016

I.G.R.C. HEARING DATE: 08/16/2016

SUPERINTENDENT RESPONSE DATE: 09/12/2016

APPEAL DATE: 09/22/2016

I.G.R.C. INVESTIGATION DATE: N/A

FACILITY POLICY: N/A

CAPTAIN DATE: N/A

SUPERVISOR DATE: N/A

EMPLOYEE DATE: N/A

PRIOR C.O.R.C.: N/A

OTHER: N/A

ms

I.G.P. SUPERVISORS SIGNATURE:

*Supraant*



STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
COXSACKIE CORRECTIONAL FACILITY  
INMATE GRIEVANCE RESOLUTION PROGRAM

CASE HISTORY AND RECORD

**GRIEVANCE NO.:** CX-19053-16

**NAME:** Hayes, T.

**DIN NO.:** 05-A-3850

**CONSOLIDATED:** N/A

**TITLE OF GRIEVANCE:** IGRC Complaint/alleges verbal statements

**GRIEVANCE CODE:** 44

**DATE FILED:** 07/25/2016

**DESCRIPTION OF PROBLEM:** The grievant alleges that in the presence of the inmate grievance resolution committee, the acting IGP supervisor informed him that he would not personally file any grievances complaining about the superintendent.

**ACTION REQUESTED:** I ask and request a full investigation into this matter be looked at. That Mr. Iarruso, by his statements, stated openly in front of the entire IGRC committee, violate the grievance code of ethic and should be impeached from participating in any grievance activity's in the future.

**I.G.R.C. RESPONSE:** It should be noted that the inmate IGRC representatives and chairperson slightly disagree with some of the comments attributed to them in the investigation results. This is most likely due to interpretation, and no malfeasance on part of the investigator is alleged. Inmate IGRC representatives take the position that the acting IGPS/IGRC staff representatives misconduct in question, which was personally witnessed by IGRC inmates representatives and chairperson, violated the IGRC Code of ethics, Sections A, B, G, and I.

**SUPERINTENDENT RESPONSE:** The staff mentioned in this complaint was not the acting IGP supervisor at the time of the alleged incident: however, he was present as a "staff representative," for an unrelated grievance hearing for the above grievant. Grievant is advised that he may request a separate call out to the IGP supervisor to address any concerns he has in regards to grievances filed. However, for future instances, when he is called down to the IGRC office for a specific grievance hearing, he is not to hinder the grievance process, so that the facility may operate in accordance with Directive No. 4040. It appears that there was a miscommunication between all parties: however, I find no malfeasance by staff. The staff mentioned in this grievance has been counseled in this matter.

**APPEAL STATEMENT:** The results of my action requested were not granted and this matter has not been resolved.

CX-19053-16

## INMATE GRIEVANCE PROGRAM

FROM: TAHEEN HAJES<sup>TH</sup> CSA3850

CELL: B-2-6

DATE: Sunday, 18, 2016

(44) IERC complaint -  
alleges verbal statements

DESCRIPTION OF PROBLEM: ON Sunday, 12, 2016 I WAS PLACED ON A CALL-OUT TO BE INTERVIEWED FOR A GRIEVANCE TITLED "MATH". THIS INTERVIEW WAS CONDUCTED BY MR. JAZZAR, SGT. HART AND THREE INMATE GRIEVANT REPS. BEFORE THIS INTERVIEW TOOK PLACE I ASK FOR PERMISSION TO ADDRESS AND INQUIRE ABOUT MY GRIEVANCES THAT HAVE NOT BEEN FILED BY WRITTEN CLOSE TO A MONTH AGO. MR. JAZZAR STATED IN AN ANGRY AND BELLIGERENT TONE "I DON'T CARE ABOUT YOUR GRIEVANCES AND AS FAR AS I'M CONCERNED ANY GRIEVANCES COMPLAINING ABOUT THE SUPERINTENDENT, I WOULD NEVER PERSONALLY FILE ANYWAY ..."

ACTION REQUESTED: I ASK AND REQUEST THAT A FULL INVESTIGATION INTO THIS MATTER IS LOOKED AT. THAT MR. JAZZAR BY HIS STATEMENTS STATED OPENLY IN FRONT OF THE ENTIRE I.G.R.C. COMMITTEE VIOLATE THE GRIEVANCE CODE OF ETHIC AND SHOULD BE IMPROACH FROM PARTICIPATING IN ANY GRIEVANCE ACTIVITY'S IN THE FUTURE. THIS MATTER SHOULD BE INVESTIGATED FORTH WITH, AND ALL I.G.R.C. MEMBERS PRESENT SHOULD BE REQUESTED TO SUBMIT WRITTEN STATEMENTS AS TO VERACITY OF MY CLAIMS

Tahen Hajes  
GRIEVANT'S SIGNATURE


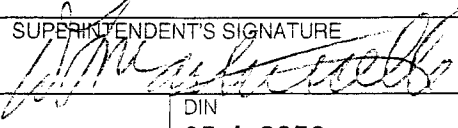
Sunday 18, 2016  
DATE

Paul R. R.  
GRIEVANT'S CLERK

7/25/16  
DATE

CC FILE

DB

 <b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b>	GRIEVANCE NO. CX-19053-16	DATE FILED 07/25/16
	FACILITY Coxsackie Correctional Facility	POLICY DESIGNATION Institution
	TITLE OF GRIEVANCE IGRC complaint/Alleges verbal statements	CLASS CODE 44
<b>INMATE GRIEVANCE PROGRAM</b>  <b>Daniel F. Martuscello Jr.</b> <b>SUPERINTENDENT</b>	SUPERINTENDENT'S SIGNATURE 	DATE 9/12/16
	GRIEVANT HAYES, T	DIN 05-A-3850
		HOUSING UNIT SHU

The Grievant alleges that in the presence of the Inmate Grievance Resolution Committee, the Acting IGP Supervisor informed him that he would not personally file any grievances complaining about the Superintendent.

The staff mentioned in this complaint was not the Acting IGP Supervisor at the time of the alleged incident; however, he was present as a "staff representative," for an unrelated grievance hearing for the above Grievant.

Grievant is advised that he may request a separate call out to the IGP Supervisor to address any concerns he has in regards to grievances filed. However, for future instances, when he is called down to the IGRC office for a specific grievance hearing, he is not to hinder the grievance process, so that the facility may operate in accordance with Directive #4040.

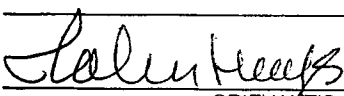
It appears that there was a miscommunication between all parties; however, I find no malfeasance by staff. The staff mentioned in this grievance has been counseled on this matter.


This grievance is accepted in part.

#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.\* Please state why you are appealing this decision to C.O.R.C.

THE RESULT OF MY ACTION REQUESTED WAS NOT  
GRANTED AND THIS MATTER HAS NOT BEEN RESOLVED.

  
 \_\_\_\_\_  
 GRIEVANT'S SIGNATURE

  
 \_\_\_\_\_  
 GRIEVANCE CLERK'S SIGNATURE

SEPTEMBER 17, 2016  
 \_\_\_\_\_  
 DATE

9/22/16  
 \_\_\_\_\_  
 DATE


\*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)  
 Form 2133 (02/15)

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUNCI  
Acting Commissioner

MEMORANDUM

TO: D. Barringer, Deputy Superintendent for Programs

FROM: D. Dalton, Vocational Education Supervisor 

SUBJECT: Grievance #:CX-19053-16

DATE: August 8, 2016

---

I have completed the above referenced grievance investigation. During my investigation I interviewed Mr. Iarusso, Sgt. Muir, and the four Grievance Clerks that were present in the room when the grieved incident transpired. The following is a summary of my findings.

- Mr. Iarusso claims that the inmate misunderstood what he was trying to tell him. Mr. Iarusso stated that the inmate was asking about a grievance that was not a part of the proceedings that he was called to the Grievance Office to address on the date that this incident took place. Mr. Iarusso states that he tried several times to tell the inmate that he would look into the other issue at a later time. After Inmate Hayes persisted, Mr. Iarusso claims that as part of a broader exchange he told the inmate that he would not personally file a grievance against the Superintendent. He states that the inmate mistook this for meaning that he would not file a grievance that an inmate had submitted against the Superintendent. Mr. Iarusso also wrote the attached memorandum to me about his recollection of the exchange.
- Sgt Muir did not recall the particulars of what was being said during the exchange. He did say that he did not recall the exchange being confrontational in nature. He informed me that he recalled that the inmate was persistent about wanting to discuss the grievance that was unrelated to the hearing that he was called down to address. Sgt. Muir did confirm that Mr. Iarusso did not raise his voice or get belligerent toward the inmate.
- With little deviation, all four inmate Grievance Clerks recounted that Mr. Iarusso did tell Inmate Hayes that he would never personally file a grievance against the Superintendent. They also said that Inmate Hayes continued to press for an answer on a grievance that was unrelated to the grievance hearing that they were attempting to perform. None of the clerks recalled the exchange getting belligerent.



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

### MEMORANDUM

TO: D. Dalton, Vocational Supervisor

FROM: J. Iaruso, ORC 

SUBJECT: CX-19053-16

DATE: 7-28-16

On July 12, 2016, this writer was present as a "member" of the grievance committee and not as an Inmate Grievance Program Supervisor. The grievant was present before a grievance hearing about the "SHU Mail" and was having anxiety about several grievances he allegedly filed. This writer stated that I would look into the issues at a later time. The inmate continued to discuss other issues and was concerned about a complaint towards the Superintendent and this writer stated to inmate I believe I saw something about that and would look into it later. The inmate continued to press about this complaint and demanded to know if it had been filed. At this point one of the Inmate Grievance Representatives intervened and started the Grievance hearing about the "SHU Mail".

The grievant was placed on a call out for a specific hearing and hindered the Grievance Hearing process in Directive #4040. He was wasting this writer along w/other committee "members" time due to discussing other irrelevant issues.

This writer acted in a professional manner and at no time displayed any anger or belligerence towards the said inmate or state that I would never file any grievances about the Superintendent.



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

TO: HAYES, T 05-A-3850  
FROM: T. Surprenant, IGP Supervisor  
DATE: September 22, 2016



**SUBJECT: Letter in regards to appealing to the next level for (5) different grievances**

---

In response to your letter requesting to appeal the below listed grievances is as follows:

**CX-19054-16:** This particular grievance will be forwarded to the Superintendent as requested, due to an untimely IGRC hearing.

**CX-19053-16:** The Superintendent responding to this particular grievance on September 13, 2016; therefore, you need to return the form back to our office with your appeal statement. Once this has been received, your grievance will be forwarded to CORC accordingly.

**CX-19095-16:** This particular grievance will be forwarded to CORC as requested within the next 5-7 business days.

**CX-19094-16:** This particular grievance will be forwarded to CORC as requested within the next 5-7 business days.

**CX-18983-16:** This particular grievance was already forwarded to CORC on August 23, 2016; therefore, any further inquiries should be directed to them.

Copies of any documents pertaining to your grievances on file must be addressed through the FOIL officer.

FROM: TALKED HAYES # 300000

CELL: CONSACKIE CORR FAC

S.H.W. # 30

DATE: SEPT - 10. 2016

10. MRS. T. SWYZENAN I.G.P.S.S  
CONSACKIE CORR FAC

DM / 22  
GREASKE CLERK  
9/20/16  
DATE

GREETINGS,

I AM RESPECTFULLY WRITING TO INFORM YOU THAT THE SUPERINTENDANT DANIEL MARTUSCIELLO IS DELIBERATELY NOT RESPONDING TO MY GRIEVANCES AND BLATANTLY VIOLATING DIRECTIVE # 4040 WHICH PROVIDES INMATES WITH AN ORDERLY, FAIR, SIMPLE AND EXPEDIENT METHOD OF RESOLVING GRIEVANCES PURSUANT TO THE CORRECTIONS LAWS. I HAVE NOTIFY MESKAREN BELLAMY, I.G.P. DIRECTOR ON SEVERAL OCCASSIONS ABOUT MR. MARTUSCIELLO NO RESPONSE TACTICS NOW I AM MAKING YOU AWARE. DUE TO HIS UNWILLINGNESS TO RESPOND, I WOULD LIKE TO GO FORWARD WITH MY COMPLAINT AND APPEAL STRAIGHT TO C.O.R.C. I HAVE

5) FIVE GRIEVANCES THAT HAS UN-TIMELY BEEN UN-ANSWERED TO BY SUPERINTENDANT DANIEL MARTUSCIELLO.

1) CX-19054-16 FILED: MONDAY, JULY 25, 2016!

I WOULD LIKE TO APPEAL STRAIGHT TO C.O.R.C.

2) CX-19053-16 FILED: MONDAY, JULY 25, 2016!

I WOULD LIKE TO APPEAL STRAIGHT TO C.O.R.C.

I WOULD LIKE TO APPEAL STRAIGHT TO C.O.R.C.

4) CX-14094-16 FILED: TUESDAY, AUGUST 09, 2016

I WOULD LIKE TO APPEAL STRAIGHT TO C.O.R.C.

5) CX-18983-16 FILED: SWED 16 2016

I WOULD LIKE TO APPEAL STRAIGHT TO C.O.R.C.

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ADDITIONALLY I WOULD LIKE SOME FORM OF WRITTEN VERIFICATION THAT EACH OF THESE GRIEVANCES WAS APPEALED STRAIGHT TO C.O.R.C. WITH THE DATE ATTACHED.

AS WELL AS A PRINT-OUT SHEET WHICH LISTS EACH & EVERY GRIEVANCES WRITTEN BY ME AND WHAT DATE EACH GRIEVANCES WAS FILED, HEARD & APPEALED.

THANK YOU ...

CC. FILE

KAREN BELLAMY I.G.P. DIRECTOR

TAKEN HAYES # OSA 3850

DATE: SEPTEMBER 10, 2016

COXACKIE, C.F.

RESPECTFULLY  
TAKEN HAYES

TAKEN HAYES  
# OSA 3850



## ATTACHMENT "A"

FORM 2141 (REV. 2/89)

X.

## STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

IGRC CODE OF ETHICS

A Code of Ethics for IGRC staff and Inmate Representatives, Clerks, and Chairpersons has been established to strengthen the credibility and effectiveness of the Grievance Program. Violations of this code may result in dismissal from participation in the Grievance Program.

- A. No member shall obstruct an inmate from exercising his or her right to file a grievance nor ridicule an inmate or his or her grievance.
- B. A willing and tactful attitude is required in the performance of a member's duties.
- C. No member shall expect or receive preferential treatment because of his or her participation in the Grievance Program.
- D. Particular duties, responsibilities, and assignments shall not be abused by any member.
- E. Members shall not disclose information of a confidential nature except where necessary in fulfilling their duties under the grievance mechanism.
- F. Members shall be responsible for safekeeping grievance files and ensuring against unauthorized use.
- G. No member of IGRC shall intentionally undermine the IGRC's operation or credibility.
- H. Members of the IGRC shall have a working knowledge of the Inmate Grievance Program and their responsibilities as members.
- I. Members shall obey all Institutional and Departmental Rules and Regulations.

I have read, understand and discussed the above Code of Ethics with the Grievance Supervisor

\_\_\_\_\_  
IGP Member\_\_\_\_\_  
Date\_\_\_\_\_  
Grievance Supervisor\_\_\_\_\_  
Date

04/07/17 INMATE TRANSFER SYSTEM KITS32  
 07:29:27 3.2 - TRANSFER HISTORY INQUIRY

DIN: 05A3850 NAME: HAYES, TAHEEN OWNING FAC: CLINTON GEN

REFERRAL	SENDING	RECEIVING	EFFECTIVE	REVIEW NUM /
DATE	FACILITY	FACILITY	DATE	ANALYST
11/01/16	UPSTATE SC	CLINTON GEN	CLOSED 44	11/28/16 1684801155
				CCLMMLA
10/12/16	COXSACKIE	UPSTATE SC	CLOSED 17	10/27/16 1613005289
				CCLMMXA
12/30/15	COXSACKIE	EASTERN GEN	CANCEL 01	10/03/16 1513006409
				CCLMJLK
01/14/15	ATTICA GEN	COXSACKIE	CLOSED 60	12/22/15 1400007470
				CCLMTSF
10/29/13	UPSTATE SC	ATTICA GEN	CLOSED 44	12/02/13 1384801222
				CCLMMXA
08/20/13	GRN HAVN GEN	UPSTATE SC	CLOSED 17	10/03/13 1308007730
				CCLMJWC
06/23/10	AUBURN GENER	GRN HAVN GEN	CLOSED 60	07/06/10 1001004212
				CCLMBAS
02/26/10	AUBURN GENER		DENIAL 06	03/04/10 1001001067
				CCLMBAS

REASON: PROGRAM PURPOSES-GEN CONFINED  
 REASON: SHU TO SHU  
 REASON: UNSUIT POOR DISCIPLINARY  
 REASON: AREA OF PREFERENCE  
 REASON: PROGRAM PURPOSES-GEN CONFINED  
 REASON: SHU TO SHU  
 REASON: AREA OF PREFERENCE  
 REASON: POOR CUSTODIAL ADJUSTMENT

NEXT DIN: \_\_\_\_\_

<ENTER>      <PF3> EXIT(FUNCT)      <PF4> RETURN      <CLEAR> EXIT(SYSTEM)

NAME: HAYES, T.

DIN: 05-A-3850

HOUSING: B-2-6

GRIEVANCE NO.: CX 19053-16

**IGRC RESPONSE:**

Upon a full hearing of all the facts, circumstances and evidence presented in this case, this Committee is **DEADLOCKED**.

Grievant is complaining about an Acting IGPS/IGRC Staff Representative (Mr. L.) stating *"I don't care about your grievances, and as far as I'm concerned any grievances complaining about the Superintendent, I would never personally file anyway..."* in response to Grievant's inquiry about a Harassment Grievance he had Submitted to the IGRC Office during said Acting IGPS's tenure. This incident occurred during an IGRC hearing for an unrelated incident, in the presence of the entire IGRC, during which the staff member in question was acting as an IGRC Staff representative.

Grievant requested that this matter be fully investigated, and that written statements be acquired from all IGRC members (inmates and staff). All Inmate IGRC Representatives and the Chairperson were interviewed in the IGRC Office together, and have submitted the requested written statements within this Response.

It should be noted that the Inmate IGRC Representatives and Chairperson slightly disagree with some of the comments attributed to them in the investigation results. This is most likely due to interpretation, and no malfeasance on the part of the investigator is alleged. However, Inmate IGRC Representatives and the Chairperson clearly heard the Acting IGPS/IGRC Staff Representative state in response to the Grievant's inquiry about his harassment grievance: *"I threw that [grievance] out. I'm not filing a grievance against the Superintendent. I don't care, I'll say it on the record. Personally, I will never file a grievance against the Superintendent."*

Inmate IGRC Representatives take the position that the Acting IGPS/IGRC Staff Representatives misconduct in question, which was personally witnessed by IGRC Inmate Representatives and Chairperson, violated the IGRC Code of Ethics, Sections A, B, G, and I, diminishing the IGRC Representative's confidence in the Acting IGPS/IGRC Staff Representative beyond repair. Accordingly, Inmate IGRC Representatives recommend that consideration be given to **"dismissal from participation in the Grievance Program,"** for said Acting IGPS/IGRC Staff Representative.

Staff IGRC Representatives take no position.

Date Returned To Inmate: 8/15/2016

Chairperson: [Signature]

IGRC MEMBERS

[Signature]  
[Signature]

Return within 7 Days and check appropriate boxes. \*

☐

I disagree with the IGRC response and wish to appeal to the Superintendent.

☒

I have reviewed deadlocked response, Pass-Thru to Superintendent.

☒

I agree with the IGRC response and wish to appeal to the Superintendent.

☐

I apply to the IGP Supervisor for review of dismissal.

☐

I agree with the IGRC response and do not wish to appeal.

Signed: [Signature]  
Grievant

8-17-2016  
Date

Hearing Date: 8/16/2016


[Signature]  
Grievance Clerk's Receipt

8/15/2016  
Date

To be completed by Grievance Clerk.

Grievance Appealed to Superintendent: 8/15/2016  
Date

Grievance forwarded to the Superintendent for action: \_\_\_\_\_

 <p><b>Corrections and Community Supervision</b></p> <p>ANDREW M. CUOMO      ANTHONY J. ANNUCCI Governor                  Acting Commissioner</p>	Grievance Number <b>CX-19054-16</b>	Desig /Code <b>I/12</b>	Date Filed <b>7/25/16</b>
	Associated Cases		Hearing Date <b>5/3/17</b>
	Facility <b>Coxsackie Correctional Facility</b>		
<b>INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE</b>	Title of Grievance <b>Loss Of Program</b>		

### **GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART**

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that the grievant's allegations of retaliation for filing a PREA complaint have been reported in accordance with the Department's PREA guidelines, and advises him to address any further concerns to the Office of Special Investigations. It is noted that he was removed from the messhall effective 5/22/16 after receiving multiple Tier III MBR's, and he should address programming issues to his assigned ORC at his current facility for the most expeditious means of resolution.

Further, Directive #4040, § 701.6 (b) states, in part, that no reprisals of any kind shall be taken against an inmate or employee for good faith utilization of this grievance procedure and an inmate may pursue a complaint that a reprisal occurred through the grievance mechanism.

CMV/

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STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
COXSACKIE CORRECTIONAL FACILITY  
INMATE GRIEVANCE RESOLUTION PROGRAM

CASE AND RECORD COVERSHEET

NYS DEPT OF  
CORRECTIONS AND  
COMMUNITY SUPERVISION

GRIEVANCE NO.: CX-19054-16

007 21 008

NAME: Hayes, T.

DIN NO: 05-A-3850

RECEIVED  
INMATE GRIEVANCE

CONSOLIDATED: N/A

TITLE OF GRIEVANCE: Loss of program

GRIEVANCE CODE: 12

INSTITUTIONAL/DEPARTMENTAL: Institutional

DATE FILED: 07/25/2016

I.G.R.C. HEARING DATE: Pass through to superintendent 09/22/2016

SUPERINTENDENT RESPONSE DATE: 10/3/2016

APPEAL DATE: 10/11/2016

I.G.R.C. INVESTIGATION DATE: N/A

FACILITY POLICY: N/A

CAPTAIN DATE: N/A

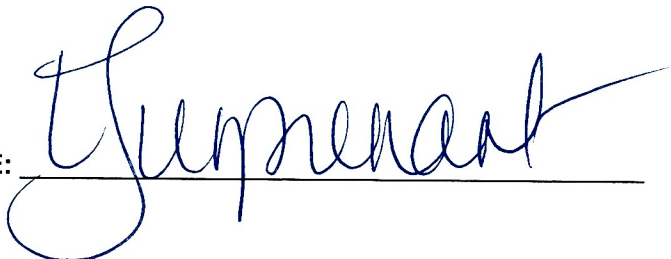
SUPERVISOR DATE: N/A

EMPLOYEE DATE: N/A

PRIOR C.O.R.C.: N/A

OTHER: N/A

I.G.P. SUPERVISORS SIGNATURE:

A handwritten signature in blue ink, appearing to read "Superintendent", is written over a horizontal line.

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
COXSACKIE CORRECTIONAL FACILITY  
INMATE GRIEVANCE RESOLUTION PROGRAM

CASE HISTORY AND RECORD

**GRIEVANCE NO.:** CX-19054-16

**NAME:** Hayes, T.

**DIN NO:** 05-A-3850

**CONSOLIDATED:** N/A

**TITLE OF GRIEVANCE:** Loss of program

**GRIEVANCE CODE:** 12

**DATE FILED:** 07/25/2016

**DESCRIPTION OF PROBLEM:** The grievant alleges that he was removed from his mess hall job as a means of retaliation for filing a PREA complaint.

**ACTION REQUESTED:** That I be restored back to my program that I was removed from, and that no further retaliation is taken place against me.

**I.G.R.C. RESPONSE:** Pass through to the superintendent 09/22/2016

**SUPERINTENDENT RESPONSE:** The grievant was removed from his job in the mess hall in accordance with the, "policy, procedures and standards for programming offenders" manual. Therefore, he will not receive back pay, as he is not entitled to it. As indicated in Directive # 4803, Inmate program placement, a program and/or work assignment is provided at the discretion of facility administration. The grievant's allegations of retaliation and/or intimidation or any form of misconduct mentioned in this grievance are without merit.

**APPEAL STATEMENT:** I am appealing because I disagree with this decision.

CX-19054-16

FROM: TANGUAY HAYES # 2000000000

CELL: C-2-24

DATE: JUNE-15-2016

DESCRIPTION OF PROBLEM: ON JUNE 11, 2016 I ~~WROTE A GRIEVANCE~~ <sup>WROTE A GRIEVANCE</sup> CONCERNING THE TAKING AWAY OF MY PROGRAM (MESS-HALL), WHICH IS BLATANT RETALIATION FOR MY FILING A PSEA COMPLAINT. ON APRIL 17, 2016

Then on JUNE-13-2016, I WAS SUMMONED TO THE CAPTAIN OFFICE, WHEN I REQUESTED THERE THE SUPERINTENDANT AND D.S.S. WAS THERE AND DID NOT WANT TO DISCUSS MY GRIEVANCE BUT, INSTEAD APPEARED TO BE BAGGERING AND ATTEMPTING TO INTIMIDATE ME. THE SUPERINTENDANT, ACTUALLY DISCUSSED OR PLAYED UP, THIS DISCUSSION TO APPEAR TO BE ABOUT MY PROGRAM. I FELT AND THE BEST OF THE CONVERSATION WAS, HE WAS NOT GOING TO ALLOW ME A PROGRAM, THAT HE AND D.S.S TOOK MY PROGRAM THEN CONTRADICTED THIS ASSERTION WHEN SAY "MESS-HALL FIRED E". WHEN I POINTED OUT THIS CONTRADICTION, SUPERINTENDANT GO AWAY AND STATED "THE BALL STOP WITH ME AND I MAKE ALL FINAL DECISIONS, NO MATTER WHAT YOU DO AND WHO YOU WRITE" WHEN I ATTEMPTED TO EXPLAIN THAT ALL THE CELL-MOVEMENTS, PROGRAM CHANGE AND FALSE MISBEHAVIOR REPORTS ARE ALL BLATANT AND DELIBERATE RETALIATION AND IN VIOLATIONS OF THE PSEA HAND AND STATED HE THREATENED TO INVOKE THE DEFERRED TIME OVER MY HEAD FOR A PASS TEMPTED UP, RETALIATED MISBEHAVIOR REPORT. I THEN STATED, "I THOUGHT WE WAS HERE FOR MY PROGRAM AND NOW YOU'RE THREATENING ME. BEFORE I WAS ISSUED D.S.S STATED "WAGES GOING TO CRASH AND BURN."

ACTION'S REQUESTED: THAT THIS GRIEVANCE IS INVESTIGATED



BY ANY OFFICIALS BECAUSE THE SUPERVISORS AND D.S.S ARE THE HEADS OF THIS FACILITY AND NO ONE HERE AT JOHNS HOPKINS WOULD FAIRLY INVESTIGATE THIS INCIDENT. THAT I BE RESTORE BACK TO MY PROGRAM WHICH WAS TOOKEN WITH OUT REASONS OR DISCIPLINARY ACTION BUT INSTEAD FOR RETALIATION. I FURTHER ASK THAT NO FURTHER RETALIATION IS TAKEN PLACE AGAINST ME, BY SUPERVISORS, D.S.S, OR ANY OF STAFF MEMBER WORKING IN THIS FACILITY.

Calvin Huff  
GRIEVANCE SIGN

June-15-2016  
DATE



John R  
GRIEVANCE CLERK

7/25/16  
DATE

C. FILE

\_\_\_\_\_  
J. ANNUNCI, ACTING COMMISSIONER  
OFFICE OF THE INSPECTOR GENERAL



 <b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b>  <b>INMATE GRIEVANCE PROGRAM</b>  <b>Daniel F. Martuscello Jr.</b> <b>SUPERINTENDENT</b>	GRIEVANCE NO. CX-19054-16		DATE FILED 12
	FACILITY Coxsackie Correctional Facility		POLICY DESIGNATION Institutional
	TITLE OF GRIEVANCE Loss of program		CLASS CODE 12
	SUPERINTENDENT'S SIGNATURE 		DATE 10-3-16
GRIEVANT HAYES, T	DIN 05-A-3850	HOUSING UNIT SHU	

The grievant alleges that he was removed from his mess hall job as a means of retaliation for filing a PREA complaint.

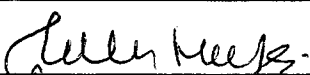
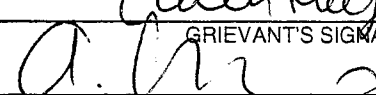
Based on the investigation, I find this grievance to be without merit. The grievant was removed from his job in the mess hall in accordance with the, "Policy, Procedures and Standards for Programming Offenders" manual. Therefore, he will not receive back pay, as he is not entitled to it. As indicated in Directive # 4803, Inmate Program Placement, a program and/or work assignment is provided to an inmate at the discretion of facility administration. The grievant's allegations of retaliation and/or intimidation or any form of misconduct mentioned in this grievance are without merit.

This grievance is denied.

#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.\* Please state why you are appealing this decision to C.O.R.C.

I'm APPEALING BECAUSE I DISAGREE WITH  
THIS DECISION.

  
 GRIEVANT'S SIGNATURE  
  
 GRIEVANCE CLERK'S SIGNATURE

10-6-2016  
 DATE  
10-11-16  
 DATE

\*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)  
 Form 2133 (02/15)

**Vanbergen, Chris M (DOCCS)**

---

**From:** Vanbergen, Chris M (DOCCS)  
**Sent:** Friday, April 28, 2017 10:47 AM  
**To:** DOCCS.sm.SpecialInvestigations  
**Subject:** CX-19054-16 (Hayes, Taheen 05A3850)  
**Attachments:** CX-19054-16.pdf

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>
	DOCCS.sm.SpecialInvestigations	Delivered: 4/28/2017 10:47 AM

Good morning,

Attached is a grievance from Hayes 05A3850 alleging the DSS and Superintendent were retaliating against him on 6/13/16 for filing a PREA complaint on 4/17/16. It appears that this is related to complaint #185436, which is also alleging retaliation by security staff for that PREA complaint. I am forwarding this to your office for whatever action is deemed appropriate

Thank you,

**Chris VanBergen**

Inmate Grievance Program Coordinator  
Wende HUB

**Department of Corrections and Community Supervision**  
Central Office, 845 Central Avenue, Albany, NY 12206-1514  
(518) 457-4467 (T) | (518) 457-1891 (F) | [Chris.VanBergen@doccs.ny.gov](mailto:Chris.VanBergen@doccs.ny.gov)

[www.doccs.ny.gov](http://www.doccs.ny.gov)



Corrections and  
Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

**TO:** T. Surprenant, IGRC

**FROM:** [REDACTED] Crystal, SORC

**DATE:** September 19, 2016

**SUBJECT:** Grievance CX- CX-19054-16 05-A-3850 Hayes, Taheen

Grievant is claiming he was removed from his assignment to the Mess Hall for an unknown reason.

On 5/17/16, inmate was issued a Tier 3 Misbehavior Report for Creating a Disturbance and Refusing a Direct Order ( see attached disciplinary history). As a result of this Misbehavior Report, inmate was confined pending his Disciplinary Hearing and subsequent disposition. The following day, on 5/17/16, inmate was issued another Tier 3 Misbehavior Report for Creating a Disturbance, Interference, Refusing a Direct Order, and Threats. Although he was given a Suspended Sentence on both Misbehavior Reports at his Hearings on 6/2/16 and 6/9/16, he was unable to work at his assignment for 23 days. Inmate was removed from his assignment on 5/22/16 ( see attached Program History) , pending a disposition.

Upon missing work for the 23 days, he was removed and given another assignment to the Utility Crew. Inmate will not be returned to the Mess Hall or given back pay, as the reason for his removal was within Programming Guidelines. As a result of this, I find this Grievance to be moot and should be dismissed.

DB/nc

INMATE PROGRAM ASSIGNMENT  
INQUIRY SCREEN

KIPYM88

CURRENT FACILITY: 130 - COXSACKIE

DIN: 05A3850 NAME: HAYES, TAHEEN

TITLE PORTER II	ITEM 133972	FAC COXSACKIE	
SHOP M BLOCK	FROM 05/23/16	TO 05/29/16	P.M.
END REASON: DISCIPLINARY			\$ .1583
			MTWTFSS
			YYYYY__
TITLE INDUSTRIES WORKER III	ITEM 921904	FAC COXSACKIE	
SHOP PRE-INDUSTRIAL TRAINING	FROM 04/11/16	TO 05/22/16	AM/PM
END REASON: SECURITY			\$ .3500
			MTWTFSS
			YYYYY__
TITLE INDUSTRIES WORKER I	ITEM 922962	FAC COXSACKIE	
SHOP IND. FOOD SERVICE-NON TRAINING	FROM 01/25/16	TO 04/10/16	AM/PM
END REASON: INAPPR PLCMNT			\$ .1600
			MTWTFSS
			YYYYY__
TITLE UNKNOWN	ITEM 042850	FAC COXSACKIE	
SHOP UNEMPLOYED/UNASSIGNED (2)	FROM 01/18/16	TO 01/24/16	AM/PM
END REASON: INITIAL ASSIGN			\$ .0750
			MTWTFSS
			YYYYY__

PRESS &lt;PF1&gt; - MENU, &lt;PF7&gt; - SCROLL BACKWARD, &lt;PF8&gt; - SCROLL FORWARD

09/19/16 C130NDC  
12:14:45 C130N049DISCIPLINARY SYSTEM  
130 COXSACKIE  
DISCIPLINARY INCIDENT SUMMARYKDCPM40  
PAGE 2  
MANUAL RECS NDIN: 05A3850 NYSID: [REDACTED] NAME: HAYES, TAHEEN  
CURRENT FACILITY: 130 COXSACKIE CURRENT HOUSING LOCATION: SH-UU-030

-----  
TIER 3 INCIDENT: 05/17/16 07:24 AM CO JAMES, B S COXSACKIE  
HEARING : 06/02/16 04:30 PM CHO BRACCINI, A M COXSACKIE  
APPEAL : 08/30/16 AFFIRMED DIR VENETTOZZI CENTRAL OFF  
104.13 CREATE DISTURB 107.10 INTERFERENCE 106.10 DIRECT ORDER  
102.10 THREATS  
90D PACKAGE COMMISSARY PHONE SERVICE DTES 05/17/16 08/15/16  
90D SHU SUSPD TO 11/29/16  
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TIER 3 INCIDENT: 05/16/16 06:30 PM CO MEIER, J A COXSACKIE  
HEARING : 06/09/16 03:15 PM CHO BRACCINI, A M COXSACKIE  
104.13 CREATE DISTURB 106.10 DIRECT ORDER  
30D KEYPLOCK PACKAGE COMMISSARY PHONE SUSPD TO 12/06/16  
-----

NEXT DIN:

&lt;CURSOR + ENTER&gt; INC DETAIL

&lt;ENTER&gt; &lt;PF3&gt; EXIT(FUNCT)

&lt;PF7&gt; BACKWARD

&lt;CLEAR&gt; EXIT(SYSTEM)

04/26/17 \*\*\* FPMS INMATE OVERVIEW \*\*\* KINQM15  
DIN 05A3850 NAME HAYES, TAHEEN NYSID [REDACTED]  
FBI [REDACTED] SEX MALE DOB [REDACTED] 1986 ETHNIC NOT HISPANIC RACE BLACK  
STATUS IN CUSTODY NEW COMMIT ORIG DATE RECV 07/29/2005 CMC NO  
CURR FAC CLINTON GEN CELL 0C-04-02B OWN FAC CLINTON GEN DIS#  
REL DIS  
T/O STATUS NONE CUSTODIAL  
CRIMES TOTAL CRIMES 0001 COMMIT COUNTY  
MANSLAUGHTER 1ST B KINGS

AGGREGATE TERM 0000 00 00 TO 0025 00 00 EARLIEST RELEASE DATE 10/07/2024  
PH DATE/TYPE TENT RLSE PE DATE TAC DATE/TYPE COND REL MAX EXP DT PRS ME DT  
08/2024 CRC 06/2024 INIT 10/07/2024 05/05/2028  
WARRANT: FELONY WAR ( N ) MISDEMEANOR WAR ( N ) ICE ( N ) PENDING CHARGES ( N )  
SENTENCE OTHER AGENCY ( N ) DEF SENT ( N ) EXP DATE ( )  
MOST SERIOUS PRI NONE  
DATE TYPE OF SENT TERM -  
SECURITY CLASS MAX A DATE 11/14/16 OTH SEC CHARS YES EXTENDED CLASS RSNS NO  
UNUSUAL INCID YES MOST CURR 09/06/13 TOTAL INCD 005 MED PROB YES  
PD PGM TAILOR GARMENT 4  
REC LOC

NEXT DIN:

[HTTP://PHOTOS/I.ASPX?D=05A3850](http://PHOTOS/I.ASPX?D=05A3850)

&lt;ENTER&gt; CONTINUE &lt;PF3&gt; EXIT(FUNC) &lt;PF4&gt; RETURN

&lt;CLEAR&gt; EXIT(SYS)



Corrections and  
Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

TO: HAYES, T 05-A-3850  
FROM: T. Surprenant, IGP Supervisor  
DATE: September 22, 2016



**SUBJECT: Letter in regards to appealing to the next level for (5) different grievances**

---

In response to your letter requesting to appeal the below listed grievances is as follows:

**CX-19054-16:** This particular grievance will be forwarded to the Superintendent as requested, due to an untimely IGRC hearing.

**CX-19053-16:** The Superintendent responding to this particular grievance on September 13, 2016; therefore, you need to return the form back to our office with your appeal statement. Once this has been received, your grievance will be forwarded to CORC accordingly.

**CX-19095-16:** This particular grievance will be forwarded to CORC as requested within the next 5-7 business days.

**CX-19094-16:** This particular grievance will be forwarded to CORC as requested within the next 5-7 business days.

**CX-18983-16:** This particular grievance was already forwarded to CORC on August 23, 2016; therefore, any further inquiries should be directed to them.

Copies of any documents pertaining to your grievances on file must be addressed through the FOIL officer.

C211 - COXSACKIE CORR FAC

S.H.W. # 30

DATE: SEPT - 10. 2016

10. MRS. T. SWZPENAN. I.G.P.S.S  
COXSACKIE CORR FAC

DM / R  
GRIEVANCE CLERK  
9/20/16  
DATE

1. GRIEVINGS,

I AM RESPECTFULLY WRITING TO INFORM YOU THAT THE SUPERINTENDANT DANIEL MARTUSCIELLO IS DELIBERATELY NOT RESPONDING TO MY GRIEVANCES AND BLATANTLY VIOLATING DIRECTIVE # 1040 WHICH PROVIDES INMATES WITH AN ORDERLY, FAIR, SIMPLE AND EXPEDITIOUS METHOD OF RESOLVING GRIEVANCES PURSUANT TO THE CORRECTION LAWS. I HAVE NOTIFY MESKAREN BELLAMY, I.G.P. DIRECTOR ON SEVERAL OCCASSIONS ABOUT MR. MARTUSCIELLO NO RESPONSE TACTICS SO I AM MAKING YOU AWARE & DUE TO HIS UN-WILLINGNESS TO RESPOND, I WOULD LIKE TO GO FORWARD WITH MY COMPLAINT AND APPEAL STRAIGHT TO C.O.R.C. I HAVE

5 FIVE GRIEVANCES THAT HAS UN-TIMELY BEEN UN-ANSWERED TO BY SUPERINTENDANT DANIEL MARTUSCIELLO.

1 CX-19054-16 FILED: MONDAY, JULY 25, 2016!

I WOULD LIKE TO APPEAL STRAIGHT TO C.O.R.C.

1 CX-19053-16 FILED: MONDAY, JULY 25, 2016:

I WOULD LIKE TO APPEAL STRAIGHT TO C.O.R.C.

1 OF 2

DEF0773



I WOULD LIKE TO APPEAL STRAIGHT TO C.O.R.C.

CX-14094-16

FILED: TUESDAY, AUGUST 09, 2016

I WOULD LIKE TO APPEAL STRAIGHT TO C.O.R.C.

CX-18983-16

FILED: JUNE 16 2016

I WOULD LIKE TO APPEAL STRAIGHT TO C.O.R.C.

ADDITIONALLY I WOULD LIKE SOME FORM OF WRITTEN  
VERIFICATION THAT EACH OF THESE GRIEVANCES WAS  
APPEALED STRAIGHT TO C.O.R.C. WITH THE DATE ATTACHED,  
AS WELL AS A PRINT-OUT SHEET WHICH LISTS EACH  
/ EVERY GRIEVANCE WRITTEN BY ME AND WHAT  
DATE EACH GRIEVANCE WAS FILED, HEARD / APPEALED.

THANK YOU ...

C. FILE

KAREN BELLAMY I.G.P. DIRECTOR

TAKEN HAYES # OSA 3850


AIR. SEPTEMBER. 10. 2016

ASACIA C.F.

RESPECTFULLY  
TAKEN HAYES

TAKEN HAYES

# OSA 3850

 <p><b>Corrections and Community Supervision</b></p> <p>ANDREW M. CUOMO      ANTHONY J. ANNUCCI Governor                  Acting Commissioner</p>	Grievance Number <b>CX-19094-16</b>	Desig /Code <b>I/49</b>	Date Filed <b>8/9/2016</b>
	Associated Cases		Hearing Date <b>5/31/2017</b>
	Facility <b>Coxsackie Correctional Facility</b>		
<b>INMATE GRIEVANCE PROGRAM</b> <b>CENTRAL OFFICE REVIEW COMMITTEE</b>		Title of Grievance <b>Assault</b>	

### **GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART**

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that the grievant was involved in an appropriately documented Use of Force (UOF) on 7/30/16 for assault on staff, and was issued a Tier III misbehavior report (MBR) which was upheld upon appeal by the Office of Special Housing/Inmate Discipline on 12/20/16. He was seen promptly by medical staff for a laceration above his right eye, and transported to an outside hospital for further evaluation. CO's B..., C..., L..., and M... deny assaulting and threatening him, or using inappropriate language, and indicate that only the amount of force necessary to gain compliance was used. In addition, CX-18983-16, alleging a false MBR issued on 5/16/16, was answered by CORC on 2/22/17. It is further noted that his allegations of retaliation for reporting sexual harassment were handled in accordance with the Department's PREA guidelines.

CORC advises him to address block issues with supervisory staff, at that time, for the most expeditious means of resolution and upholds the discretion of the facility administration to determine when to review videotapes for grievance investigations based on security concerns, unusual incidents, etc.

With regard to the grievant's appeal, CORC notes that the investigation was conducted in accordance with Directive #4040 and that he has since been transferred.

TAB/

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STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
COXSACKIE CORRECTIONAL FACILITY  
INMATE GRIEVANCE RESOLUTION PROGRAM

CASE AND RECORD COVERSHEET

NYS DEPT OF  
CORRECTIONS AND  
COMMUNITY SUPERVISION

OCT 13 2016

GRIEVANCE NO.: CX-19094-16

RECEIVED  
INMATE GRIEVANCE

NAME: Hayes, T.

DIN NO.: 05-A-3850

CONSOLIDATED: N/A

TITLE OF GRIEVANCE: Alleged assault

GRIEVANCE CODE: 49

INSTITUTIONAL/DEPARTMENTAL: Institutional

DATE FILED: 08/09/2016

I.G.R.C. HEARING DATE: Pass through to superintendent

SUPERINTENDENT RESPONSE DATE: 09/29/2016

APPEAL DATE: 09/20/2016

I.G.R.C. INVESTIGATION DATE: N/A

FACILITY POLICY: N/A

CAPTAIN DATE: N/A

SUPERVISOR DATE: N/A

EMPLOYEE DATE: N/A

PRIOR C.O.R.C.: N/A

OTHER: N/A

I.G.P. SUPERVISORS SIGNATURE: \_\_\_\_\_

*Superintendent, IHPs*

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
COXSACKIE CORRECTIONAL FACILITY  
INMATE GRIEVANCE RESOLUTION PROGRAM

CASE HISTORY AND RECORD

**GRIEVANCE NO.:** CX-19094-16

**NAME:** Hayes, T.

**DIN NO.:** 05-A-3850

**CONSOLIDATED:** N/A

**TITLE OF GRIEVANCE:** Alleged assault

**GRIEVANCE CODE:** 49

**DATE FILED:** 08/09/2016

**DESCRIPTION OF PROBLEM:** The grievant alleges that he was verbally harassed and then assaulted by multiple security staff on July 30<sup>th</sup>, 2016

**ACTION REQUESTED:** For A thorough investigation in to the officers involved in the assault. To receive a fully documented report on the superintendents findings of the assault. To receive no more retaliation from any and all correctional officers, sergeants, and civilians here at Coxsackie correctional facility's disciplinary, or through further physical assault.

**I.G.R.C. RESPONSE:** Pass through to superintendent

**SUPERINTENDENT RESPONSE:** Based on a through investigation. The date of the alleged assault was a documented Use of Force, in which the inmate assaulted staff. Necessary force was used by security staff, in order to control the situation. The inmate witnesses provided by the grievant were interviewed by a security supervisor and were unable to substantiate his allegations. All staff mentioned in this grievance have gone on the record denying the allegations made by the grievant. I find insufficient evidence of malfeasance by staff.

**APPEAL STATEMENT:** Letter received dated 09/20/2016 requesting pass through to C.O.R.C.

NAME: TAHEEN HAKES DIN: #05A3860

DATE: Aug 5-2016

CELL LOCATION: COLSACKIE CORR FAC  
S.H.W. 30 CELL49 Staff  
conduct

DESCRIPTION OF PROBLEM: ON July, 30, 2016 AFTER A VISIT FROM MY WIFE I WAS RETURNING BY WAY OF ESCORT BACK TO MY HOUSING UNIT (F-3 DIVISION) AT THE TIME I WAS KEEPING STRAITS FOR ANOTHER TRUMP UP MISBEHAVIOR REPORT (July, 28, 2016) AND GET TO BE SENT FOR DISCIPLINARY HEARING. AFTER KNOCKING ON THE DOOR TO F-3, CO MEIER OPENED UP THE DOOR WITH A DEGRATORY STATEMENT AND ALLOWED ME TO ENTER, NOT EVEN 20 STEPS TO MY CELL, I WAS BEAT-HUB FROM THE BACK, LIFTED IN THE AIR AND SHAMMED ON MY FACE BY CO. MEIER. WHILE DAZED I STUMBLED ON THE FLOOR CO. MEIER JUMPED ON MY BACK AND REPEATEDLY PUNCH ME (USING CLOSE FIST) IN THE BACK AND SIDE OF MY FACE AND HEAD AND NECK AREA. IN A UNKNOWN DURATION TO ME, A RESPONSE TEAM WAS SURROUNDING ME ALL AROUND KICKING AND PUNCHING ME ALL OVER MY BODY AS I LAYED HAND CUFFED AND DEFENSELESS ON THE FLOOR, CO MEIER CONTINUE TO ASSAULT ME BY NOW TWISTING MY WRIST, STATING "I SHOULD FUCKING BREAK THIS SHIT". AFTER WHAT SEEM LIKE FOREVER LAYING THERE GETTING BEAT ON, I WAS LIFTED IN THE AIR WHILE HAND-CUFFED STILL BEHIND MY BACK AND THROWN BODY AND FACE FIRST INTO THE WALL, WHEN MY BODY AND FACE VIOLENTLY BOUNCED OFF THE CONCRETE WALL, CO MEIER GRABBED ME BY THE BACK OF MY HEAD (DREADLOCKS) AND SHAMMED MY FACE INTO THE CONCRETE WALL SCREAMING "STAY THE FUCK ON THE WALL". I FELT MY FACE SPURT AND BLOOD RUSH DOWN MY FACE, INTO MY EYES, MY MOUTH AND DOWN MY NECK AND CLOTHING.

I WAS CONSIDERABLY ASSAULTED BY UNKNOWN OFFICERS WHO RESPONDED TO THIS ASSAULT, WITH KNEES POUNDED INTO MY LEGS AND THIGHS AND SHORT HARD PUNCHES TO MY ARMS, BACK AND RIB AREA. I WAS THEN YANK OFF THE WALL BLINDFOLDED ALL OVER AND TAKEN TO THE FACILITY HOSPITAL WHERE I LEARN I WOULD NEED TO GO TO A OUTSIDE HOSPITAL FOR STICHES OVER MY RIGHT EYE. I WAS TRANSFER TO ALBANY MEDICAL CENTER AND RECEIVED 5 STICHES AND A BACK X-RAY.

THIS ASSAULT BY CO S.A. MEIER AND THE OTHER UNKNOWN OFFICER WAS FORESEEABLE AND COULD HAVE EASILY BEEN PREVENTED HAD THE SUPERINTENDANT, MR. MAERWEGENBERG, TOOK RESPONSIBLE ACTION TO PROTECT ME AFTER MY MANY COMPLAINTS AND GRIEVANCES CONCERNING MY SAFETY AND CONDUCTIVE CORRECTION FAC. ON MAY 16, 2016 I WAS SENT TO F-3-36 CELL FOR ANOTHER TRUMP UP MISBEHAVIOR REPORT. (CONTINUOUS PATTERN) WRITTEN BY CO K. HOFFMAN IN RETALIATION FOR EXERCISING MY CONSTITUTIONAL FIRST AMENDMENT RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES AS WELL AS FOR FILING A SEXUAL ABUSE COMPLAINT, (APRIL 14, 2016) ON CO T. DANIEL, WHOSE CO K. HOFFMAN MISBEHAVIOR REPORT DATED (MAY 15, 2016) I NEVER RECEIVED A DISCIPLINARY HEARING FOR THAT MATTER EITHER (GRIEVANCE # 18983-016: RETALIATION)

ON MAY 16, 2016 CO S.A. MEIER BROKE MEDICAL CONFIDENTIALITY BY DELIBERATELY FORCING HIMSELF INTO A MEDICAL KEEPLOCK INTAKE INTERVIEW CONDUCTED BY R.N. BROWN, WHEN SHE ASK HE WAS I EVER SEXUALLY ABUSE WHILE IN CORACKIE CORR FAC AND I RESPONDED "YES", CO S.A. MEIER GOT EXTREMELY UPSET AND ANGRY AND SAID "FAGGOTS LIKE YOU, GET US (CORRECTIONAL OFFICERS) FUCKING FIRED". HE CONTINUED HIS RANT UNTIL R.N. BROWN LEFT, HE IMMEDIATELY OPENED THE GATE THAT SEPARATED HIMSELF AND



I AND SWOPED ALL IN MY FACE WITH HIS HANDS DETAINED DURING IN MY FACE SCREAMING AND BARKING. C.O. S.A. MEIER THEN THREATEN ME WITH PHYSICAL HARM (ASSAULT) AND SAID THIS ISN'T OVER. I TRIED TO REPORT THIS INCIDENT THAT DAY BY KICKING ON THE CELL GATE FOR ATTENTION, REQUESTING TO SEE & SPEAK TO A SGT. I RECEIVED A MISBEHAVIOR REPORT FULL OF LIES INSTEAD.

ON MAY-24-2016 I SUCCESSFULLY HAD A CHANCE TO TELL THIS INCIDENT OF C.O. S.A. MEIER THREATS OF PHYSICAL ASSAULT OR ME TO ANOTHER PRISON OFFICIAL, COMMISSIONER HEARING OFFICER MR. BRACCINI. MR. BRACCINI BELIEVED MY STORY AND FOUND ME GUILTY OF ONLY KICKING ON THE GATE BUT NOT THREATS OR VIOLENCE. CONDUCT: MR. BRACCINI CAME TO THE CONCLUSION THAT C.O. MEIER WAS LYING, C.O. MEIER OF COURSE DENIED HIS THREATS TO ME BUT R.N. BIRCHBY CONFIRMED MY STORY (SEE: ATTACH MISBEHAVIOR REPORT, DISPOSITION) AND TAKE # 16-213

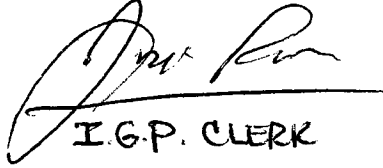
C.O. S.A. MEIER THREATS OF PHYSICALLY ASSAULTING ME ON MAY, 16, 2016 HAVE MADE GOOD ON HIS PROMISE, ON SWING, 30, 2016.

### ACTION REQUESTED:

(1) FOR THE SUPERINTENDENT, MARINSCENIC SR. DO A THOROUGH INVESTIGATION BEHIND C.O. MEIER ASSAULTING ME AND THE UNNAMED OFFICERS WHO RESPONDED TO F-3 DIVISION AND CONTINUE TO ~~ASSAULT~~ ASSAULT ME.

(2) TO RECEIVE A FULL DOCUMENTED REPORT ON SUPERINTENDENT, MARINSCENIC SR. FINDINGS OF C.O. MEIER ASSAULT ON ME

(3) TO HAVE NO MORE RETALIATION COMING FROM ANY  
AND ALL CORRECTIONAL OFFICERS, SGTs, NOR CIVILIANS  
HERE AT COXSACKIE CORRECTION FACILITY'S DISCIPLINARY  
NOR THROUGH FURTHER PHYSICAL ASSAULT.

  
I.G.P. CLERK

8/9/16  
DATE


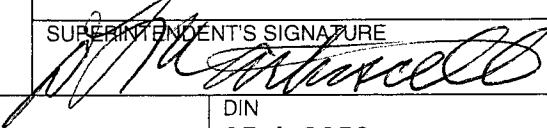
TH

Respectfully Submitted  
Tahen Hayes # OSA3850  
TAHEN HAYES OSA3850

CC: FIE: I.G.P. DIRECTOR  
OF ALBANY  
MS. KAREN BELLAMY  
I.G.P.C OF COXSACKIE CORR. FAC  
TAHEN HAYES # OSA3850



DS

 <b>INMATE GRIEVANCE PROGRAM</b>  <b>Daniel F. Martuscello Jr.</b> <b>SUPERINTENDENT</b>	GRIEVANCE NO. CX-19094-16		DATE FILED 49
	FACILITY Coxsackie Correctional Facility		POLICY DESIGNATION Institutional
	TITLE OF GRIEVANCE Alleged assault		CLASS CODE 49
	SUPERINTENDENT'S SIGNATURE 		DATE 9-29-16
GRIEVANT HAYES, T	DIN 05-A-3850	HOUSING UNIT SHU-30	

The grievant alleges that he was verbally harassed and then assaulted by multiple security staff on July 30, 2016.

Based on a thorough investigation, I find this grievance to be unsubstantiated. The date of the alleged assault was a documented Use of Force, in which the inmate assaulted staff. Necessary force was used by Security staff in order to control the situation. The inmate witnesses provided by the grievant were interviewed by a Security Supervisor and were unable to substantiate his allegations. All staff mentioned in this grievance have gone on record denying the allegations made by the Grievant. I find insufficient evidence of malfeasance by staff.

This grievance is denied.

#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.\* Please state why you are appealing this decision to C.O.R.C.

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_____ GRIEVANT'S SIGNATURE	_____ DATE
_____ GRIEVANCE CLERK'S SIGNATURE	_____ DATE

\*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)  
Form 2133 (02/15)

DEF0782

**Boulanger, Theresa A (DOCCS)**

---

**From:** Boulanger, Theresa A (DOCCS)  
**Sent:** Thursday, May 11, 2017 8:48 AM  
**To:** DOCCS.sm.SpecialInvestigations  
**Cc:** Santos, Antoinette (DOCCS)  
**Subject:** CX-19094-16  
**Attachments:** CX-19094-16.pdf

Good Morning,

Attached please find the above referenced grievance in which Hayes #05-A-3850 claims retaliation due to previous sexual abuse allegations that were investigated under complaint #183577. The case does not reference reporting the retaliation, therefore I am forwarding this to your office for whatever action is deemed appropriate.

Thank You,

**Theresa A. Boulanger**

Inmate Grievance Program Supervisor

**Department of Corrections and Community Supervision**

Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050

(518) 457-1885 (T) | (518) 457-1891 (F) | [Theresa.Boulanger@DOCCS.NY.GOV](mailto:Theresa.Boulanger@DOCCS.NY.GOV)

[www.doccs.ny.gov](http://www.doccs.ny.gov)

07/10/17 CIGRTAB  
08:13:36 CINSN055

DISCIPLINARY SYSTEM  
990 CENTRAL OFFICE  
DISCIPLINARY INCIDENT SUMMARY

KDCPM40  
PAGE 3  
MANUAL RECS N

DIN: 05A3850 NYSID: [REDACTED] NAME: HAYES, TAHEEN  
CURRENT FACILITY: 020 CLINTON GEN CURRENT HOUSING LOCATION: 0C-04-02B

-----  
TIER 3 INCIDENT: 05/17/16 07:24 AM CO JAMES, B S COXSACKIE  
HEARING : 06/02/16 04:30 PM CHO BRACCINI, A M COXSACKIE  
APPEAL : 08/30/16 AFFIRMED DIR VENETTOZZI CENTRAL OFF  
104.13 CREATE DISTURB 107.10 INTERFERENCE 106.10 DIRECT ORDER  
102.10 THREATS  
90D PACKAGE COMMISSARY PHONE SERVICE DTES 05/17/16 08/15/16  
90D SHU SUSPD TO 11/29/16  
-----

TIER 3 INCIDENT: 05/16/16 06:30 PM CO MEIER, J A COXSACKIE  
HEARING : 06/09/16 03:15 PM CHO BRACCINI, A M COXSACKIE  
104.13 CREATE DISTURB 106.10 DIRECT ORDER  
30D KEEPCLOCK PACKAGE COMMISSARY PHONE SUSPD TO 12/06/16  
-----

NEXT DIN:

<CURSOR + ENTER> INC DETAIL  
<ENTER> <PF3> EXIT(FUNCT) <PF7> BACKWARD <CLEAR> EXIT(SYSTEM)

05/24/17 CIGRTAB DISCIPLINARY SYSTEM KDCPM40  
10:00:59 CINSN055 990 CENTRAL OFFICE PAGE 2  
DISCIPLINARY INCIDENT SUMMARY MANUAL RECS N

DIN: 05A3850 NYSID: [REDACTED] NAME: HAYES, TAHEEN  
CURRENT FACILITY: 020 CLINTON GEN CURRENT HOUSING LOCATION: 0C-04-02B

-----  
TIER 3 INCIDENT: 07/30/16 03:15 PM SGT DIXSON, D L COXSACKIE  
HEARING : 09/29/16 01:08 PM CHO BRACCINI, A M COXSACKIE  
APPEAL : 12/20/16 AFFIRMED DIR VENETTOZZI CENTRAL OFF  
DIS.REV : 11/15/16 N/C SHMC UPSTATE SC  
104.11 VIOLENT CONDUCT 100.11 ASSAULT ON STAFF 106.10 DIRECT ORDER  
120D SHU PACKAGE COMMISSARY SERVICE DTES 07/30/16 11/27/16  
120D PHONE SERVICE DTES 07/30/16 11/27/16  
-----

NEXT DIN:

<CURSOR + ENTER> INC DETAIL  
<ENTER> <PF3> EXIT(FUNCT) <PF7> BACKWARD <CLEAR> EXIT(SYSTEM)



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

TO: IGRC Supervisor

FROM: [REDACTED] Martin, Captain

A handwritten signature in black ink, appearing to read "Martin", written over the name "Martin, Captain".

DATE: May 11, 2017

SUBJECT: Grievance CX 19094-16 / Hayes, T. 05A3850

---

The above referenced grievance was assigned to and investigated by a ranking security supervisor. After reviewing the attached investigation, I concur with the Lieutenant's conclusion and find that there is no evidence to substantiate the allegations contained within this grievance. Attached are the amended statements from the officers involved in this grievance. The Lieutenant spoke with Officer Hoffman and he denies the allegations contained within the grievance. Officer Hoffman will include his memo upon return. Therefore, the grievance should be denied.

C: File



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

TO: IGRC Supervisor

FROM: [REDACTED] Martin, Captain

DATE: September 22, 2016

SUBJECT: Grievance CX 19094-16 / Hayes, T. 05A3850

---

The above referenced grievance was assigned to and investigated by a ranking security supervisor. After reviewing the attached investigation, I concur with the Lieutenant's conclusion and find that there is no evidence to substantiate the allegations contained within this grievance. Therefore, the grievance should be denied.

C: File



ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

**MEMORANDUM**

TO: Capt. D. Martin  
FROM: Lt. E. Pahl  
SUBJECT: Grievance cx-19094-16  
DATE: 9/21/16

---

Sir,

As per your request, I looked into a complaint made by inmate Hayes 05a3850. In this complaint, the inmate claims that on 7/30/16 as he was returning to F-3, Officer Meier opened the unit door and verbally harassed him. He goes on to claim that as he was being escorted to his cell, Officer Meier bear hugged him from behind and slammed him on his face. He then alleges that CO Meier repeatedly jumped on his back and punched him in the back and face. Hayes then claims a response team arrived and continued to punch and kick him. He then claims he was lifted from the floor and thrown face first into the wall. He then claims that CO Meier grabbed his head and slammed his face into the wall. Hayes alleges that when on the wall, he was continuously physically assaulted. He then claims, he was taken to the facility clinic. The inmate alleges that this incident is a continuation of the harassment he claims he is a victim of due to filing a PREA complaint on another Officer. He claims he was the recipient of numerous false misbehavior reports as well as verbal harassment.

I interviewed inmate Hayes. He restated his claims that he was assaulted by multiple Officers. He restated his claim that he is a victim of retaliation due to an allegation he made against another Officer. When asked if he had any witnesses, he could not identify any by name. (I was able to determine inmate's Rodriguez 09a3150 [REDACTED] and Bowles 16a0059 [REDACTED] were named as witnesses that Hayes requested for his hearing.) When asked if he had anything further to add, he said he did not.

I interviewed inmate Bowles in regards to the allegations. This inmate was housed in cell f3 - 21 on this night. Bowles alleges that he observed Officer Meier grab Hayes from behind and tackle him to the floor. He then claims that Meier began punching and kicking the inmate while he was on the ground. He also claimed that the response team also assaulted him. I asked him how he saw this alleged assault take place. He claimed he viewed this through an "eye spy." He illustrated this "eye spy" was about the size of a credit card. I also interviewed inmate Rodriguez. Rodriguez was

housed in f-3 22 on the night in question. He claims he heard the inmate and Officer have an argument. He then claims that just before they got to Hayes's cell, Meier tackled Hayes from the front and the inmate landed on his back. Rodriguez claims that when on the ground, Meier held him down. Upon questioning, Rodriguez said that Meier did not jump on nor punch or kick Hayes. Rodriguez then said that the response team showed up and picked him up. Rodriguez said that no staff member kicked or punched Hayes. He also said that Hayes was not thrown into the wall nor was his head pushed into the wall. For reference, cell 22 is across from Hayes's 23 cell. Rodriguez had nothing further to add.

I interviewed Officer Meier as a result of these claims. Meier stated to me that as Hayes was being escorted to his cell, the inmate attempted to assault him. He denies that he punched or kicked or strike the inmate. He also states he didn't slam the inmate face first into the wall. He stated that the force he used was completely documented in his use of force report. Meier also denies that he ever threatened inmate Hayes. Officer Langtry was also involved in this use of force. Langtry also stated to me that at no time did he punch or kick this inmate. Officer Bence was also involved in this use of force. Officer Bence confirmed to me that the force he use was completely documented. He denies that he punched or kicked this inmate. He will provide a written memo when he returns to work. Officer Coon was an Officer who responded to the incident. Officer Coon states to me that he did not strike inmate Hayes in any fashion. He stated to me that he applied mechanical restraints on the inmate after the force had ended. He will provide a written memo upon his return to work.

After investigating this claim, I find no truth to it. On the night in question, Hayes attempted to assault staff and force became necessary to prevent it. This use of force was documented as Cox. CF use of force 160064. The inmates that Hayes named as witnesses for his hearing give varying accounts of the night in question. Inmate Bowles claims are similar to that of inmate Hayes. This inmate claims he witnessed this incident through a small "eye spy." He claims that Meier tackled Hayes from behind and then assaulted him on the ground. He added that the response team then began punching and kicking him. Inmate Rodriguez version of the events is very different. He said that he saw Officer Meier tackle Hayes from the front and then the Officer held him on the ground. It is reasonable to believe that if the inmate was taken to the ground from the front as Rodriguez said he saw, it was because Hayes did in fact turn suddenly towards Officer Meier. Rodriguez said that he did not see any staff member punch or kick Hayes. He also added that he did not see Hayes get slammed into the wall. The version that Rodriguez relays is similar to the actual use of force. All Officers involved in the use of force deny that they struck or kicked the inmate. The force they used is documented as body holds. If the inmate was assaulted in the manner in which he suggests, he would surely have more injuries than he did. He had a laceration above his right eye. That injury is consistent with an individual who is forced to the ground on this right side. Also I find no basis to the claim that he was the recipient of falsified misbehavior reports. He was found guilty of a report authored by CO Meier. It is clear that Hayes has made a false claim of staff assault to deflect responsibility for his own reckless assaultive behavior. I find this grievance to be without merit and it should be dismissed.



E. Pahl/Lt.

E. Pahl/Lt

Name /Title



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

TO: CAPTAIN MARTIN

FROM: C/O E. COON

DATE: 4-14-17

SUBJECT: GRIEVANCE CX-19094-16

ON 7-30-16, AT APPROXIMATELY 1515 HRS, I RESPONDED TO F-3 FOR A RESPONSE.  
AT NO TIME DID I USE FORCE ON INMATE HAYES (SEA 3850)

RESPECTFULLY SUBMITTED,

C/O E. Coon

C/O E. Coon



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

TO: CAPTAIN MARTIN

FROM: C.O. S. BENKE

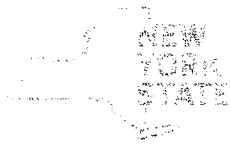
DATE: 21 APRIL 2017

SUBJECT: CX-19094-16

IN RESPONSE TO THIS COMPLAINT, AT NO TIME DID I PUNCH OR KICK  
INMATE HAYES #0543850.

RESPECTFULLY SUBMITTED,

C.O. S. BENKE



Corrections and  
Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

TO: Lt Pahl

FROM: C.O. G. Langtry

DATE: 9/21/16

SUBJECT: Grievance CX-17094-16

Sir,

In response made by Inmate Hayes 05A3850, I  
C.O. G. Langtry at no time punched or kicked Inmate  
Hayes during a use of force on July 30, 2016.  
I conduct myself in a professional manner at all  
times.

Respectfully Submitted,  
G. Langtry C.O.  
G. Langtry C.O.

DEF0793



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

### MEMORANDUM

TO: Capt Martin

FROM: C.O. J. Meier

DATE: 4/14/17

SUBJECT: Addendum to Grievance # CX-19094-16

At no time did I use inappropriate language towards inmate Hayes #05A3850. Also the misbehavior report I wrote him was true and accurate and not in retaliation to a prior complaint.

Respectfully Submitted

J. Meier C.O.

J. Meier C.O.

Supervisor's Report  
 Grievance # 05A 3850

APR 15 4 45 PM 2016  
 J. Meier

ANTHONY J. ANNUNCI  
 Acting Commissioner

TO: Lt. Pahl

FROM: C.O. J. Meier

DATE: 9/1/16

SUBJECT: Grievance Inmate Hayes #05A 3850

On July 30, 2016 at approximately 3<sup>15</sup> PM I was involved in a use of force because inmate Hayes #05A3850 attempted to assault me while I was escorting him down the tier after he returned from the visit room. All the force that I used was reported in my use of force report. At no time did I strike, punch or kick inmate Hayes. Also at no time did I grab him by the dreadlocks and slam his face into the wall. Inmate Hayes has also made false allegations in the past that I have verbally threatened him. At no time did I threaten him.

Respectfully Submitted  
 J. Meier C.O.  
 J. Meier C.O.

Side 2

STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Corseckie

Correctional Facility

## INMATE MISBEHAVIOR REPORT ♦ INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

1. NAME OF INMATE (Last, First) ♦ NOMBRE DEL RECLUSO (Apellido, Nombre) Hayes, T		NO. ♦ NÚM. OSA 3850	HOUSING LOCATION ♦ CELDA F-3-36
2. LOCATION OF INCIDENT ♦ LUGAR DEL INCIDENTE F-3-36		INCIDENT DATE ♦ FECHA 5/16/16	INCIDENT TIME ♦ HORA 6:30 PM Approx.
3. RULE VIOLATION(S) ♦ VIOLACIÓN/ES 102.10 - Inmate shall not make threats; 104.11 - Inmate shall not engage in any violent conduct; 104.13 - Inmate shall not cause a disturbance; 106.16 - Inmate shall not disobey a direct order <del>107.10 - Inmate shall not make threats or threaten at any time.</del> (RK)			
4. DESCRIPTION OF INCIDENT ♦ DESCRIPCIÓN DEL INCIDENTE On the above date and approximate time while on rounds I heard a loud banging noise coming from the back of the tier. While investigating where the loud banging noise was coming from I observed inmate Hayes, T # OSA 3850 F-3-36 cell violently kicking his locker against the cell door. I gave inmate Hayes a direct order to stop violently kicking his locker against his cell door. Inmate Hayes responded with shouting "Fuck you I'm going to do what I want. You can't make me do shit" and he kept violently kicking his locker against the cell door. I gave inmate Hayes a second direct order to stop violently kicking his locker against the cell door. He then picked up his locker and threw it at his cell door then shouted "Get the fuck away from my cell before I push your head in with my locker." At this time I informed inmate Hayes that he was receiving a misconduct report for his violent and disruptive behavior. He then kicked his gate and shouted "I don't fucking care." A unit was notified. After approximately 2 minutes inmate Hayes finally stopped kicking his locker against his cell door but continued to yell and shout in the room causing a disturbance.			
REPORT DATE ♦ FECHA 5/16/16	REPORTED BY ♦ NOMBRE DE LA PERSONA QUE HACE EL INFORME J. Miller	SIGNATURE ♦ FIRMA <i>J. Miller</i>	TITLE ♦ TÍTULO C.O.
5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any) SIGNATURES: ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay) FIRMAS: 1. _____ 2. _____ 3. _____			

NOTE: Fold back Page 2 on dotted line before completing below.

DATE AND TIME SERVED UPON INMATE 5-17-16 APPROX 10:00 AM

NAME AND TITLE OF SERVER

FECHA HORA DADO AL RECLUSO

NOMBRE Y TÍTULO DEL QUE ENTREGA

You are hereby advised that no statement made by you in response to the charges or information derived therefrom may be used against you in a criminal proceeding. ♦ Por este medio se le informa que no se puede usar ninguna declaración hecha por usted como respuesta al cargo o la información derivada de ella en una demanda criminal.

## NOTICE ♦ AVISO

## REVIEWING OFFICER (DETACH BELOW FOR VIOLATION HEARING ONLY)

You are hereby notified that the above report is a formal charge and will be considered and determined at a hearing to be held. ♦ Por este medio se le notifica que el informe anterior es un cargo formal el cual se considerará y determinará en una audiencia a celebrarse.

The inmate shall be permitted to call witnesses provided that so doing does not jeopardize institutional safety or correctional goals. ♦ Se le permitirá al recluso llamar testigos con tal de que al hacerlo no pondrá en peligro la seguridad de la institución o los objetivos del Departamento.

Restricted pending a hearing for this misbehavior report, you may write to the Deputy Superintendent for Security or his/her designee prior to the hearing to make statement on the need for continued prehearing confinement. ♦ Si está restringido pendiente a una audiencia por este informe de mal comportamiento, puede escribirle al Diputado del Superintendente para Seguridad o su representante antes de la audiencia para que haga una declaración acerca de la necesidad de continuar bajo confinamiento, previo a la audiencia.

DEF0796

WHITE: District Office CANADY: Inmate (After review) Distributor: BLANCA: Oficina Disciplinaria AMARILLA: Recluso (después de la revisión)

MOAB, UTAH

05/18/16  
DCP004STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES PAGE 1  
SUPERINTENDENT HEARING DISPOSITION RENDERED

COXSACKIE

TAPE NUMBER 16-213

DIN: 05A3850 NAME: HAYES, TAHEEN

LOCATION: SH-UU-004

INCIDENT DATE &amp; TIME: 05/16/16 06:30 PM TIER 3

REVIEW DATE: 05/16/16 BY: LT KNEELAND, R W

DELIVERY DATE &amp; TIME: 05/17/16 10:00 AM BY: CO WOODS, S D

HEARING START DATE &amp; TIME: 5/24/16 11:40 AM BY: CWO Braccini

HEARING END DATE &amp; TIME: 6/9/16 3:15 PM BY: CWO Braccini

WAS THERE NEED FOR A FORMAL MENTAL HEALTH/INTELLECTUAL CAPACITY ASSESSMENT? Y / N  
DOES THIS MISCONDUCT MEET THE CRITERIA FOR WORKPLACE VIOLENCE? Y / NCHARGE  
NUMBER

DESCRIPTION OF CHARGES

REPORTED BY

DISPOSITION

104.11 VIOLENT CONDUCT

CO MEIER, J A

--not guilty

104.13 CREATING A DISTURBANCE

--guilty

106.10 REFUSING DIRECT ORDER

--guilty

102.10 THREATS

--not guilty

ANY GUILTY DISPOSITION WILL RESULT IN A MANDATORY DISCIPLINARY SURCHARGE IN THE AMOUNT OF FIVE(\$5.00) DOLLARS BEING ASSESSED AUTOMATICALLY AGAINST THE INMATE.

PENALTY CODE	DESCRIPTION	PENALTY MO DAYS	START DATE	RELEASE DATE	SUSPEND MO DAYS	DEFERRED MO DAYS	RESTITUTION \$\$\$\$ . cc
3000	keepback	30			30	180	
8000	packages	↓			↓		
5000	commissary	↓			↓		
6000	phone	↓			↓		



05/18/16  
DCP004STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES PAGE 2  
SUPERINTENDENT HEARING DISPOSITION RENDERED

DIN: 05A3850 NAME: HAYES, TAHEEN

HEARING DATE: 6-9-16

## A. STATEMENT OF EVIDENCE RELIED UPON:

① The M/R of CO Meier where it was reported that this I/M caused a disturbance & kicked his locker & threatened the CO. ② The I/M's statement of explanation wherein he admitted to the conduct charged but did so b/c he felt in jeopardy based upon the CO's conduct & comments during his intake interview. ③ Testimony of 1 I/M witness & ④ 2 CO witnesses & ⑤ Nurse Butchy wherein it seemed apparent that there was some comment made between the CO & the I/M.

## B. REASONS FOR DISPOSITION:

I find substantial evidence exists to find this I/M guilty of the 104.13 & 106.10 charges. I find his methods of trying to attract attention to not be the best. I find the penalty imposed & suspended to be a sufficient deterrent.

## C. SPECIAL INSTRUCTION ON CORRESPONDENCE RESTRICTIONS AND REFERRALS

05/18/16  
DCP004STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES PAGE 3  
SUPERINTENDENT HEARING DISPOSITION RENDERED

DIN: 05A3850 NAME: HAYES, TAHEEN

HEARING DATE: 6-9-16

## SUPERINTENDENT HEARING DISPOSITION RENDERED

CHARGE	DESCRIPTION OF CHARGE	5 YEAR PRIORS	10 YEAR PRIORS
104.11	VIOLENT CONDUCT	1	4
104.13	CREATING A DISTURBANCE	3	3
106.10	REFUSING DIRECT ORDER	7	9
102.10	THREATS	1	2

AT THE TIME OF THE HEARING, WAS THIS INMATE HOUSED IN A SHU CELL: X YES    NOX THE SANCTIONS IMPOSED ARE WITHIN THE PUBLISHED GUIDELINES

OR

   I HAVE IMPOSED SANCTIONS THAT HAVE DEPARTED UPWARD FROM THE PUBLISHED GUIDELINES, FOR THE FOLLOWING REASON(S):

- OVERALL CLIMATE OF FACILITY  
   SEVERITY OF OFFENSE  
   LOCATION OF OFFENSE  
   MANNER OFFENSE WAS COMMITTED  
   RISK TO SECURITY  
   RISK TO PERSONAL SAFETY  
   PROPERTY DAMAGE - RESTITUTION  
   DISCIPLINARY HISTORY  
   OTHER - EXPLAIN: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I HAVE RECEIVED A COPY OF THIS HEARING DISPOSITION DATED: 6-9-16E M R  
HEARING OFFICER SIGNATURE\_\_\_\_\_  
INMATE SIGNATURE6-9-16 3:12 pm  
DATE & TIME RECEIVED

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING APPEAL PROCEDURES:

- FOR TIER II HEARING - APPEAL TO SUPERINTENDENT WITHIN 72 HOURS  
X FOR TIER III HEARING - APPEAL TO COMMISSIONER WITHIN 30 DAYS

\*\*\*SUCCESSFUL PRINT COMPLETION\*\*\*

UNSD/1 STATE OF N. Y. DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
 09/01/16 USE OF FORCE REPORT  
 13:43:55 COXSACKIE UF LOG NO. 160064.00

INCIDENT DATE 07/30/16 TIME 03:15PM UI CCC NO.  
 GEN LOC. 10 GALLERY SPEC LOC. 0F-02 CB LOG NO.

=====

OFFENDER	DIN/NYSID	ETHNIC	ROLE
HAYES, TAHEEN	05A3850	BLK	PERP

=====

STAFF INVOLVED	TITLE	FORCE1	FORCE2	FORCE3	DEGREE
BENCE, STEPHEN A	CO	BODY HOLD			MINOR
MEIER, JASON A	CO	BODY HOLD			MINOR
LANGTRY, GREGORY E	CO	BODY HOLD			MINOR

=====

DESCRIBE EVENTS LEADING UP TO THE APPLICATION OF FORCE:  
 OFFICER MEIER WAS ESCORTING INMATE HAYES, T 15A3850 F-3-23 BACK TO  
 HIS CELL AFTER A VISIT WHEN THE INMATE UNPROVOKED VIOLENTLY TURNED  
 TO HIS LEFT WITH HIS RIGHT ARM RAISED AND HIS RIGHT FIST CLOSED ATTEMPTING  
 TO PUNCH HIM.

=====

DESCRIBE ACTUAL FORCE USED:  
 OFFICER MEIER THEN GRABBED THE INMATE FROM THE LEFT SIDE AROUND HIS WAIST  
 WITH BOTH ARMS DRIVING HIM TO THE FLOOR. INMATE LANDED ON HIS RIGHT SIDE  
 WITH OFFICER MEIER LANDING ON TOP OF THE INMATE. AS THE INMATE CONTINUED TO  
 STRUGGLE OFFICER MEIER WAS ABLE TO GET HIM ON HIS STOMACH WITH THE OFFICERS  
 CHEST ON THE INMATES BACK USING HIS BODY WEIGHT TO RESTRICT INMATES  
 MOVEMENT. OFFICER LANGTRY WAS OPERATING THE LOCK BOX, ACTIVATED HIS (PAS)  
 AND RESPONDED TO ASSIST. OFFICER LANGTRY GRABBED INMATES RIGHT WRIST WITH  
 BOTH HANDS FORCING IT BEHIND THE INMATES BACK. OFFICER BENCE RESPONDED TO  
 ASSIST, GRABBED THE INMATES LEFT HAND WITH BOTH OF HIS HANDS FORCING  
 INMATES HAND BEHIND HIS BACK. AT THIS TIME INMATE BECAME COMPLIANT AND ALL  
 FORCE CEASED. OFFICER COON APPLIED MECHANICAL RESTRAINTS TO A NOW  
 COMPLIANT INMATE.

=====

UNSS STATE OF N.Y. DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

09/01/16

USE OF FORCE REPORT

13:43:55

COXSACKIE

UF LOG NO. 160064.00

INCIDENT DATE 07/30/16 TIME 03:15PM

UI CCC NO.

GEN LOC. 10 GALLERY

SPEC LOC. 0F-02

CB LOG NO.

=====

OFFENDER

DIN/NYSID ETHNIC ROLE

HAYES, TAHEEN

05A3850

BLK

PERP

=====

EXAMINERS NAME

TITLE

EXAM DATE

TIME

N. WALTHOUR LOCKRIDGE

NURSE

07/30/16

03:45PM

PART B - PHYSICAL EXAMINATION/TREATMENT REPORT:

RIGHT EYE LACERATION, LOWER BACK PAIN.

=====

SUPERVISOR REVIEW:

WAS INCIDENT VIDEOTAPED? NO

WERE USE OF FORCE PHOTOS TAKEN? YES UOF

WERE USE OF FORCE PHOTOS REVIEWED? YES

WAS STAFF MEMBER INJURED? [REDACTED]

WAS STAFF SEEN BY MEDICAL? [REDACTED] UOF

WAS OFFENDER INJURED? YES

WAS OFFENDER SEEN BY MEDICAL? YES UOF

WAS THE UF MEMO COMPLETED? YES

WAS THE OFFENDER RETURNED TO THE CELL? NO TRANSFERED TO: AMC ER

REPORTED BY: SGT D. DIXSON

DATE: 07/30/16

REVIEWED BY: LT J. SCHOEP

DATE: 07/30/16

=====

REVIEW AND EVALUATION BY SUPERINTENDENT:

FORCE USED WAS APPROPRIATE AND WITHIN DEPARTMENT GUIDELINES AS DESCRIBED IN  
THE USE OF FORCE REPORT

=====

SPT DANIEL MARTUSCELLO

SUPERINTENDENT

09/01/16

DATE

PAGE 2

DEF0801

04/14/17 CIGRTAB  
08:28:26 CINSN055

DISCIPLINARY SYSTEM  
990 CENTRAL OFFICE  
DISCIPLINARY INCIDENT SUMMARY

KDCPM40  
PAGE 2

MANUAL RECS N

DIN: 05A3850 NYSID: [REDACTED] NAME: HAYES, TAHEEN  
CURRENT FACILITY: 020 CLINTON GEN CURRENT HOUSING LOCATION: 0C-04-02B

-----  
TIER 3 INCIDENT: 07/30/16 03:15 PM SGT DIXSON, D L COXSACKIE  
HEARING : 09/29/16 01:08 PM CHO BRACCINI, A M COXSACKIE  
APPEAL : 12/20/16 AFFIRMED DIR VENETTOZZI CENTRAL OFF  
DIS.REV : 11/15/16 N/C SHMC UPSTATE SC  
104.11 VIOLENT CONDUCT 100.11 ASSAULT ON STAFF 106.10 DIRECT ORDER  
120D SHU PACKAGE COMMISSARY SERVICE DTES 07/30/16 11/27/16  
120D PHONE SERVICE DTES 07/30/16 11/27/16  
-----

NEXT DIN:

<CURSOR + ENTER> INC DETAIL  
<ENTER> <PF3> EXIT(FUNCT) <PF7> BACKWARD <CLEAR> EXIT(SYSTEM)

04/14/17 CIGRTAB DISCIPLINARY SYSTEM KDCPM40  
08:34:19 CINSN055 990 CENTRAL OFFICE PAGE 3  
DISCIPLINARY INCIDENT SUMMARY MANUAL RECS N

DIN: 05A3850 NYSID: [REDACTED] NAME: HAYES, TAHEEN  
CURRENT FACILITY: 020 CLINTON GEN CURRENT HOUSING LOCATION: 0C-04-02B

-----  
TIER 3 INCIDENT: 05/17/16 07:24 AM CO JAMES, B S COXSACKIE  
HEARING : 06/02/16 04:30 PM CHO BRACCINI, A M COXSACKIE  
APPEAL : 08/30/16 AFFIRMED DIR VENETTOZZI CENTRAL OFF  
104.13 CREATE DISTURB 107.10 INTERFERENCE 106.10 DIRECT ORDER  
102.10 THREATS  
90D PACKAGE COMMISSARY PHONE SERVICE DTES 05/17/16 08/15/16  
90D SHU SUSPD TO 11/29/16  
-----

TIER 3 INCIDENT: 05/16/16 06:30 PM CO MEIER, J A COXSACKIE  
HEARING : 06/09/16 03:15 PM CHO BRACCINI, A M COXSACKIE  
104.13 CREATE DISTURB 106.10 DIRECT ORDER  
30D KEYPLOCK PACKAGE COMMISSARY PHONE SUSPD TO 12/06/16  
-----

NEXT DIN:


<CURSOR + ENTER> INC DETAIL  
<ENTER> <PF3> EXIT(FUNCT) <PF7> BACKWARD <CLEAR> EXIT(SYSTEM)

05/19/17 CIGRTAB HEALTH SERVICES SYSTEM KHSCM46  
13:01:51 CINSN055 4.1.5 - EMERGENCY TRIAGE  
DIN: 05A3850 NAME: HAYES, TAHEEN NYSID: [REDACTED] DOB: [REDACTED] 1986  
OWN FAC: CLINTON GEN CUR FAC: CLINTON GEN CUR LOC: 0C-04-02B  
FACILITY: 130 COXSACKIE REFERRAL NUMBER: 16321760.01  
FACILITY TRIAGE PROVIDER: 0160 JON MILLER, MD REVIEWED BY RMD  
REASON(S) FOR TRIAGE/TRIP:  
( RIGHT EYE LACERATION APPRX.1 INCH, BORDERS NON-ATTACHED, MODERATE )  
( BLOOD DRAINAGE, S/P UOF, NON-TENDER, STERI STRIPS AND TO HOSPITAL FOR EVAL )  
TRIAGE SECTION - USER: 07/30/16 10:00P C130NMW  
INMATE TRIAGED VIA TELEMEDICINE? N (Y/N)  
IF NO, REASON: 05 EQUIPMENT FAILURE  
IF YES, TRIAGE DATE: \_\_ / \_\_ / \_\_ TIME: \_\_ : \_\_ - WAIT TIME: \_\_  
EMERGENCY DEPT PROVIDER NAME: \_\_\_\_\_  
TRIAGE DISPOSITION: \_ TRANSPORTED TO EMERGENCY DEPARTMENT  
\_ REMAINED AT FACILITY-ADMITTED TO INFIRMARY  
\_ REMAINED AT FACILITY-RETURNED TO CELL  
\_ OTHER (COMMENTS REQUIRED)  
\_ REMAINED AT FACILITY(HISTORICAL)  
TRIAGE COMMENTS:  
( \_\_\_\_\_ )  
( \_\_\_\_\_ )  
DIN/REF: \_\_\_\_\_  
<ENTER> <PF3> EXIT(FUNCT) <PF4> RETURN <CLEAR> EXIT(SYS) OPTION: \_ \_ \_

05/19/17 CIGRTAB HEALTH SERVICES SYSTEM KHSCM47  
13:02:11 CINSN055 4.1.6 - EMERGENCY ROOM TRIP  
DIN: 05A3850 NAME: HAYES, TAHEEN NYSID: ██████████ DOB: ██████████ 1986  
OWN FAC: CLINTON GEN CUR FAC: CLINTON GEN CUR LOC: 0C-04-02B  
FACILITY: 130 COXSACKIE REFERRAL NUMBER: 16321760.01  
TRIP DATE: 07 / 30 / 16 TIME: 04 : 45 P REFERRAL STATUS: REVIEWED BY RMD  
REASON(S) FOR TRIP:  
( RIGHT EYE LACERATION APPRX.1 INCH, BORDERS NON-ATTACHED, MODERATE )  
( BLOOD DRAINAGE, S/P UOF, NON-TENDER, STERI STRIPS AND TO HOSPITAL FOR EVAL )  
AUTHORIZED BY: 0160 JON MILLER, MD AFTER IN PERSON EVALUATION: N  
IF NOT AUTHORIZED BY PHYSICIAN/PA/NP, LIST REASON(S): \_\_\_\_\_  
TRANSPORTATION BY AMBULANCE: N (Y/N) FACILITY VEHICLE: Y (Y/N)  
EMERGENCY ROOM: 0001 ALBANY MEDICAL CENTER  
ER CONTACTED BEFORE INMATE ARRIVAL? Y (Y/N) MSG LEFT ON CO ER REF LINE? Y (Y/N)  
STATUS OF INMATE UPON CONCLUSION OF TRIP: USER: 07/30/16 10:00P C130NMW  
RETURNED TO FACILITY: DATE: 07 / 30 / 16 TIME: 09 : 15 P  
HOSPITAL INPATIENT (Y/N): N DIAG: RT EYE LACERATION WITH 5 SUTURES  
DECEASED: DATE: \_\_\_ / \_\_\_ / \_\_\_ TIME: \_\_\_ : \_\_\_ : \_\_\_  
IF RETURNED TO FACILITY, LIST OUTCOME AND ANY FOLLOW UP INSTRUCTIONS:  
( SUTURES WILL COME OUT ON OWN 4-5 DAYS, BACIT/CLEAN DRESSING DAILY )  
COMMENTS:  
( RETURNED TO CELL, ANALGESIA ADMINISTERED )  
DIN/REF: \_\_\_\_\_  
<ENTER> <PF3> EXIT(FUNCT) <PF4> RETURN <CLEAR> EXIT(SYS) OPTION: \_ \_ \_



05/19/17 CIGRTAB HEALTH SERVICES SYSTEM KHSCM48  
13:02:20 CINSN055 4.1.7 - EMERGENCY ROOM TRIAGE/TRIP-RMD REVIEW  
DIN: 05A3850 NAME: HAYES, TAHEEN NYSID: ██████████ DOB: ██████████ 1986  
OWN FAC: CLINTON GEN CUR FAC: CLINTON GEN CUR LOC: 0C-04-02B  
FACILITY: 130 COXSACKIE REFERRAL NUMBER: 16321760.01  
INMATE TRIAGED: N EQUIPMENT FAILURE STATUS: REVIEWED BY RMD  
TRIP DATE: 07 / 30 / 16 TIME: 04 : 45 P  
REASON(S) FOR TRIP:  
( RIGHT EYE LACERATION APPRX.1 INCH, BORDERS NON-ATTACHED, MODERATE )  
( BLOOD DRAINAGE, S/P UOF, NON-TENDER, STERI STRIPS AND TO HOSPITAL FOR EVAL )  
AUTHORIZED BY: 0160 JON MILLER, MD IN PERSON: N  
EMERGENCY ROOM: 0001 ALBANY MEDICAL CENTER  
RMD REVIEW - USER: 08/01/16 03:02P CHLTSCM  
TRIAGE: X APPROPRIATE TRIP: X APPROPRIATE  
\_ INAPPROPRIATE \_ APPROPRIATE BUT AVOIDABLE  
\_ INAPPROPRIATE  
REASON: 02 TRIP APPROPRIATE BY REASON OF FACIAL LACERATION  
RMD COMMENTS:  
( \_\_\_\_\_ )  
( \_\_\_\_\_ )  
( \_\_\_\_\_ )  
NEXT DIN/REF: \_\_\_\_\_  
OPTION: \_\_\_\_\_  
<ENTER> CONTINUE <PF3> EXIT(FUNCTION) <PF4> RETURN <CLEAR> EXIT(SYS)

 <p><b>Corrections and Community Supervision</b></p> <p>ANDREW M. CUOMO      ANTHONY J. ANNUCCI Governor                  Acting Commissioner</p>	Grievance Number <b>CX-18983-16</b>	Desig./Code <b>I/49</b>	Date Filed <b>6/17/16</b>
	Associated Cases		Hearing Date <b>2/22/17</b>
	Facility <b>Coxsackie Correctional Facility</b>		
<b>INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE</b>	Title of Grievance <b>Retaliation/False Misbehavior Report</b>		

### **GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART**

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that this matter has been properly investigated by the facility administration, and that CO H... denies falsifying the grievant's 5/16/16 Tier II MBR. It is noted that the MBR has since been expunged. Further, the grievant's sexual harassment allegations were documented in accordance with the Department's PREA guidelines. CORC finds insufficient evidence of retaliation or malfeasance by staff.

Directive #4040, § 701.6 (b) states, in part, that no reprisals of any kind shall be taken against an inmate or employee for good faith utilization of this grievance procedure, and an inmate may pursue a complaint that a reprisal occurred through the grievance mechanism. Further, safety matters should be addressed to an area supervisor at that time for any remedial action warranted.

CORC notes that the grievant has since been transferred.

CMV/

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**Boulanger, Theresa A (DOCCS)**

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**From:** Boulanger, Theresa A (DOCCS)  
**Sent:** Friday, May 19, 2017 2:44 PM  
**To:** Surprenant, Tisha L (DOCCS)  
**Subject:** RE: CX-19094-16  
**Attachments:** RE: CX-19094-16

I don't see the 4/14/17 memo from CO Coon in the attached, I only see a 4/14/17 memo from CO Meier. Maybe CO Coon's statement got stuck when scanned.

Thanks!

**Theresa A. Boulanger**

Inmate Grievance Program Supervisor

**Department of Corrections and Community Supervision**

Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050

(518) 457-1885 (T) | (518) 457-1891 (F) | [Theresa.Boulanger@DOCCS.NY.GOV](mailto:Theresa.Boulanger@DOCCS.NY.GOV)

[www.doccs.ny.gov](http://www.doccs.ny.gov)

**From:** Surprenant, Tisha L (DOCCS)  
**Sent:** Friday, May 19, 2017 2:09 PM  
**To:** Boulanger, Theresa A (DOCCS) <[Theresa.Boulanger@doccs.ny.gov](mailto:Theresa.Boulanger@doccs.ny.gov)>  
**Subject:** FW: CX-19094-16

Please see the Captain's statement. This was addressed in CO Coon's memo dated 04/14/17. This was included in the attachment. Let me know.

**From:** Martin, [REDACTED] (DOCCS)  
**Sent:** Friday, May 19, 2017 2:06 PM  
**To:** Surprenant, Tisha L (DOCCS) <[Tisha.Surprenant@doccs.ny.gov](mailto:Tisha.Surprenant@doccs.ny.gov)>  
**Cc:** Longstaff, Brooke J (DOCCS) <[Brooke.Longstaff@doccs.ny.gov](mailto:Brooke.Longstaff@doccs.ny.gov)>  
**Subject:** RE: CX-19094-16

Officer Coon's memorandum is the third one from the back in the packet we sent. If you require another copy, Brooke will have one available for you.

**From:** Surprenant, Tisha L (DOCCS)  
**Sent:** Friday, May 19, 2017 1:30 PM  
**To:** Martin, [REDACTED] (DOCCS) <[\[REDACTED\]Martin@doccs.ny.gov](mailto:[REDACTED]Martin@doccs.ny.gov)>  
**Subject:** FW: CX-19094-16  
**Importance:** High

Sir,

They are requesting further information. Please see below.

**From:** Boulanger, Theresa A (DOCCS)  
**Sent:** Friday, May 19, 2017 1:29 PM  
**To:** Surprenant, Tisha L (DOCCS) <[Tisha.Surprenant@doccs.ny.gov](mailto:Tisha.Surprenant@doccs.ny.gov)>  
**Subject:** RE: CX-19094-16

Hi Tisha,

I reviewed the packet that was forwarded. I did see that they were out of the facility at the time the other statements were written but we will still need a statement from CO Coon addressing allegations of assault because he was involved in the UOF and a statement from CO Hoffman addressing the allegation of writing the grievant an MBR in retaliation to a prior complaint.

Thank You,

**Theresa A. Boulanger**

Inmate Grievance Program Supervisor  
**Department of Corrections and Community Supervision**  
Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050  
(518) 457-1885 (T) | (518) 457-1891 (F) | [Theresa.Boulanger@DOCCS.NY.GOV](mailto:Theresa.Boulanger@DOCCS.NY.GOV)

[www.doccs.ny.gov](http://www.doccs.ny.gov)

**From:** Surprenant, Tisha L (DOCCS)  
**Sent:** Friday, May 19, 2017 12:33 PM  
**To:** Boulanger, Theresa A (DOCCS) <[Theresa.Boulanger@doccs.ny.gov](mailto:Theresa.Boulanger@doccs.ny.gov)>  
**Subject:** RE: CX-19094-16

Here you go!

**From:** Boulanger, Theresa A (DOCCS)  
**Sent:** Friday, May 19, 2017 11:32 AM  
**To:** Surprenant, Tisha L (DOCCS) <[Tisha.Surprenant@doccs.ny.gov](mailto:Tisha.Surprenant@doccs.ny.gov)>  
**Subject:** RE: CX-19094-16

Awesome thank you!!! No worries!

**From:** Surprenant, Tisha L (DOCCS)  
**Sent:** Friday, May 19, 2017 10:59 AM  
**To:** Boulanger, Theresa A (DOCCS) <[Theresa.Boulanger@doccs.ny.gov](mailto:Theresa.Boulanger@doccs.ny.gov)>  
**Subject:** RE: CX-19094-16

I received everything yesterday and I just have to scan it. You'll have it within the hour. Sorry for the delay.

**From:** Boulanger, Theresa A (DOCCS)  
**Sent:** Friday, May 19, 2017 10:49 AM  
**To:** Surprenant, Tisha L (DOCCS) <[Tisha.Surprenant@doccs.ny.gov](mailto:Tisha.Surprenant@doccs.ny.gov)>  
**Subject:** FW: CX-19094-16

Good Morning,

Please provide a status update on the below request.

Thank You,

**Theresa A. Boulanger**

Inmate Grievance Program Supervisor

**Department of Corrections and Community Supervision**

Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050

(518) 457-1885 (T) | (518) 457-1891 (F) | [Theresa.Boulanger@DOCCS.NY.GOV](mailto:Theresa.Boulanger@DOCCS.NY.GOV)

[www.doccs.ny.gov](http://www.doccs.ny.gov)

**From:** Surprenant, Tisha L (DOCCS)

**Sent:** Friday, May 12, 2017 10:07 AM

**To:** Martin, [REDACTED] (DOCCS) [REDACTED][Martin@doccs.ny.gov](mailto:Martin@doccs.ny.gov)

**Cc:** Boulanger, Theresa A (DOCCS) <[Theresa.Boulanger@doccs.ny.gov](mailto:Theresa.Boulanger@doccs.ny.gov)>

**Subject:** RE: CX-19094-16

Good morning sir,

I received the packet back regarding this particular grievance this morning; however, information is still missing. The Use of Force packet was not included, CO Hoffman's memo was not included nor referenced. Also, if any other officers were mentioned in the Use of Force, statements will also be needed from them as well. This information was requested on April 14<sup>th</sup>, 2017 by Central Office, so if we could complete this as soon as possible it would be greatly appreciated.

Thanks

**From:** Surprenant, Tisha L (DOCCS)

**Sent:** Thursday, May 11, 2017 7:45 AM

**To:** Martin, [REDACTED] (DOCCS) [REDACTED][Martin@doccs.ny.gov](mailto:Martin@doccs.ny.gov); Santos, Antoinette (DOCCS) <[Antoinette.Santos@doccs.ny.gov](mailto:Antoinette.Santos@doccs.ny.gov)>

**Cc:** Boulanger, Theresa A (DOCCS) <[Theresa.Boulanger@DOCCS.NY.GOV](mailto:Theresa.Boulanger@DOCCS.NY.GOV)>

**Subject:** RE: CX-19094-16

Good morning sir,

Just sending another friendly reminder, as Albany is requesting the status and/or completion regarding this particular grievance that was originally sent on 04/14/17. Has this been completed as of yet? Please advise.

Thank you

**From:** Surprenant, Tisha L (DOCCS)

**Sent:** Monday, May 08, 2017 7:30 AM

**To:** Martin, [REDACTED] (DOCCS) [REDACTED][Martin@doccs.ny.gov](mailto:Martin@doccs.ny.gov)

**Cc:** Santos, Antoinette (DOCCS) <[Antoinette.Santos@doccs.ny.gov](mailto:Antoinette.Santos@doccs.ny.gov)>

**Subject:** FW: CX-19094-16

Sir, I still haven't received this. Please advise. Dep. Santos, were you able to find an answer in regards to the PREA portion?

**From:** Boulanger, Theresa A (DOCCS)  
**Sent:** Friday, May 05, 2017 1:18 PM  
**To:** Surprenant, Tisha L (DOCCS) <[Tisha.Surprenant@doccs.ny.gov](mailto:Tisha.Surprenant@doccs.ny.gov)>  
**Subject:** FW: CX-19094-16

Hi Tisha,

Please send a status update on the below request.

Thank You,

**Theresa A. Boulanger**

Inmate Grievance Program Supervisor  
**Department of Corrections and Community Supervision**  
Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050  
(518) 457-1885 (T) | (518) 457-1891 (F) | [Theresa.Boulanger@DOCCS.NY.GOV](mailto:Theresa.Boulanger@DOCCS.NY.GOV)

[www.doccs.ny.gov](http://www.doccs.ny.gov)

**From:** Boulanger, Theresa A (DOCCS)  
**Sent:** Friday, April 14, 2017 9:19 AM  
**To:** Surprenant, Tisha L (DOCCS) <[Tisha.Surprenant@doccs.ny.gov](mailto:Tisha.Surprenant@doccs.ny.gov)>  
**Subject:** CX--19094-16

Good Morning Tisha,

Please fax/PDF the following:

1. Use of Force packet
2. Lt. Pahl indicates CO's Bence and Coon were involved in the UOF so I will need statements from them addressing the grievance as well as any other officers named in the use of force.
3. CO Meier will need to write an addendum statement addressing the grievant's further allegations of inappropriate language/comments and issuing an MBR in retaliation to a prior complaint.
4. CO Hoffman will need to write a statement addressing the allegation of writing the grievant an MBR in retaliation to a prior complaint.
5. Lastly, Were the grievant's allegations of retaliation for previously reporting sexual harassment reported in accordance with PREA? If not, it will need to be reported with confirmation it was reported.

DUE 4/21

Thank You,

**Theresa A. Boulanger**

Inmate Grievance Program Supervisor

**Department of Corrections and Community Supervision**

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